VOLUME 11 NUMBERS 3 & 4 2010

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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AND

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Behind the "Frida Kahlo" Cache

INCORPORATING STOLEN ART ALERT

IFAR Journal, ISSN 1098–1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue Suite 935, New York, NY 10110. Subscription rates are $75 per year.

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IFAR WISHES TO ACKNOWLEDGE THE INTERNATIONAL MUSIC AND ART FOUNDATION, THE LIMAN FOUNDATION, THE PIERRE AND TANA MATISSE FOUNDATION, AND THE NATIONAL ENDOWMENT FOR THE ARTS FOR THEIR GENEROUS GRANTS IN PARTIAL SUPPORT OF *IFAR JOURNAL*.

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COVER: NORMAN ROCKWELL, *Russian Schoolroom*, Oil on canvas. 15 ¼" x 37". Licensed by Norman Rockwell Licensing, Niles, IL. See story on page 7.

FINISHED OR UNFINISHED?

IT'S ALL THE SAME UNDER VARA

Since its passage in 1990, few courts have had the opportunity to interpret and apply the Visual Artists Rights Act ("VARA"). But a federal court of appeals recently determined that VARA is more sweeping in scope than it might have first seemed. In a case that pitted Swiss installation artist Christoph Büchel against the Massachusetts Museum of Contemporary Art ("Mass MoCA"), the court ruled that VARA applies to unfinished as well as finished works of art.

FIGURE 1. Construction of a two-story house as part of the planned Mass MoCA exhibit.

THE CONFLICT

Büchel, known for building complex, politically charged environments, entered into an oral agreement with Mass MoCA to build an installation in the museum's notable "Building 5." As was Mass MoCA's custom at the time, there was no formal contract or written agreement with the artist.[1] Instead, the parties largely corresponded via email and made arrangements on an ad hoc basis. Mass MoCA initially proposed an estimated cost of $160,000 for the project and agreed to acquire, at its own expense, the materials necessary to create the installation. The precise financial scope was never established, however, and tensions arose when the museum ran out of money for the project. Büchel ultimately abandoned the installation.

Located in a former industrial area of North Adams, Mass MoCA is housed on a 13-acre campus of renovated factory buildings.[2] Within the museum's Building 5, itself the size of a football field, Büchel envisioned a village though which visitors could role-play U.S. military training. Entitled "Training Ground for Democracy," the exhibit was to include components such as a movie theater interior, an aircraft fuselage, and an entire 1,800-square foot house.

Much of the early work on the installation was done by the museum staff while Büchel was overseas. Büchel relayed instructions via email regarding the materials the museum was to acquire and how those materials were to be placed in the exhibition space. He soon became dissatisfied with the museum's implementation of his instructions, and refused to return to work until certain financial and artistic conditions were met. Although Mass MoCA tried for several months to negotiate for Büchel's return, it finally cancelled the planned exhibit. By that time, the museum had spent around $300,000 on materials and labor for the installation.

1 *See* Mari Espinosa, "No Signature Required: Büchel, Mass MoCA and Handshake Agreements," *Chicago Art Magazine*, Apr. 5, 2010.

2 www.massmoca.org/facts.php.

FIGURE 2. Workers hoisting the mobile home component of the planned Mass MoCA exhibit.

"... this case should serve as a 'cautionary tale to museums contemplating similar installations . . .' "

The museum attempted to open the partially completed installation to the public. After Büchel refused to allow the museum to show the unfinished work, Mass MoCA sued in federal court, requesting a declaration that it was entitled to exhibit the installation. Büchel counterclaimed, asking for damages and a declaration under VARA that the museum was prohibited from displaying the work or any of its component parts.

VISUAL ARTISTS RIGHTS ACT

With passage of VARA in 1990, Congress amended the federal copyright law to protect certain "moral rights" of authors who create visual art. The concept of moral rights, or *le droit moral*, originated in Europe, and is generally meant to protect the non-economic rights of artists. The moral rights encompassed by VARA are limited to: (1) the right of an artist to claim authorship of his or her work and to prevent the use of his or her name in connection with a work he or she did not create; and (2) the right to prevent, subject to certain exceptions, the intentional distortion, mutilation, or modification of a work in a way that harms the artist's honor or reputation.[3] These rights are known, respectively, as the right of attribution and right of integrity.

The works of art protected by VARA are limited to paintings, drawings, prints, sculptures, and still photographic images produced for exhibition purposes. Works "made for hire" are explicitly excluded from protection under VARA.[4]

THE COURT DECISIONS

Finding VARA did not apply to Büchel's installation, the lower court ruled that Mass MoCA *was* permitted to exhibit the unfinished installation. The lower court also dismissed all of Büchel's counterclaims. Büchel appealed, and the court of appeals reversed the decision in part.[5]

3 *See* 17 U.S.C. § 106A(a).

4 See definition of "work of visual art" at 17 U.S.C. § 101.

5 *Mass. Museum of Contemporary Art Found., Inc. v. Büchel*, 593 F.3d 38 (1st Cir. 2010).

The appellate court began by finding that, indeed, VARA applies to both finished and unfinished works of art. Because VARA is a part of the Copyright Act, the court turned to the definition section of the Act to determine when an artistic project becomes subject to protection under VARA. The Copyright Act defines a work as being "created" as soon as it is "fixed in a copy," and goes on to state that "where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time."[6] Based on these definitions, and supported by the legislative history behind VARA, the court held that VARA protects "fixed" works of art, even if those works are still in progress.

The court then addressed Büchel's claims against Mass MoCA. At this point, the facts had changed. Subsequent to the lower court's ruling, Mass MoCA had reversed course and decided to dismantle the unfinished installation rather than exhibit it, perhaps due to the negative reaction from some in the art community.[7] Without the presence of an actual work of art, Büchel's right of attribution claim became moot. However, the court found an issue did exist as to whether Mass MoCA violated Büchel's right of integrity. If a jury were to find that the museum worked on Büchel's installation in ways contrary to his wishes, and harmed his honor or reputation as a result, it could rule that Mass MoCA violated Büchel's rights under VARA. In addition, a jury could find that the museum violated Büchel's exclusive right to publicly display his copyrighted work, due to evidence that the unfinished installation was exhibited to journalists, curators, and the local mayor. The appellate court remanded these factual issues back to the lower court for trial, which is not yet scheduled.

• • •

If nothing else, as the appellate court stated, this case should serve as a "cautionary tale to museums contemplating similar installations in the future – guiding them to document the terms of their relationship and obtain VARA waivers where necessary."[8] But has Mass MoCA learned this lesson? An article recently published in *Chicago Art Magazine* suggests otherwise. The museum's Director of Marketing and Public Relations indicated that Mass MoCA has not made any substantial changes to the agreements they make with artists because detailed contracts "stand in opposition to the nature of the creative process."[9] As for Büchel, he turned *his* experience into its own work of art, creating a new series of works based on the documents and correspondence from the lawsuit.[10]

— SHIMA MAJIDI, ESQ.
IFAR Research Associate

• • •

6 17 U.S.C. § 101.

7 *See, e.g.*, Charles Giuliano, "Christoph Büchel's Tarp Art at Mass MoCA: Crap Under Wrap," *Berkshire Fine Arts*, July 31, 2007.

8 *Büchel*, 593 F.3d at 61.

9 Mari Espinosa, "No Signature Required: Büchel, Mass MoCA and Handshake Agreements," *Chicago Art Magazine*, Apr. 5, 2010.

10 *See* Randy Kennedy, "Accusations, Depositions: Just More Fodder for Art," *New York Times*, Mar. 2, 2008.

NEW TWISTS AND TURNS IN THE CASE AGAINST THE WARHOL AUTHENTICATION BOARD

Much has happened since *IFAR Journal* published its cover story (Vol. 11, no. 1, 2009)[1] on the lawsuit brought by collector Joe Simon against the Andy Warhol Art Authentication Board and related entities (the "Warhol Defendants")[2] over the Authentication Board's rejection of a silkscreen that Simon owns and that he, along with prominent art historians and Warhol associates, insists is genuine. The crux of Simon's antitrust case is that the rejection of his and other works from the same series — among which is a silkscreen signed by Warhol himself and included in Rainer Crone's 1970 Warhol catalogue raisonné — is part of a broader scheme artificially to inflate the value of Warhol works owned by the Warhol Defendants by eliminating competing works from the market. Simon further complains that, adding insult to injury, the Authentication Board damaged his painting by marking its reverse side — twice — with a red "DENIED" stamp.

The Warhol Defendants had sought to have Simon's action dismissed, but were partially defeated in May 2009 when a federal court allowed most of Simon's claims to go forward.[3] Now, perhaps signaling a more aggressive posture following that setback and its potential ramifications for other Authentication Board rejections, the Warhol Defendants have hired litigator David Boies. (Boies famously represented the United States Department of Justice in its successful antitrust action against the Microsoft Corporation.)

In addition, in October 2009, soon after the *IFAR Journal* article, the *New York Review of Books* published a review by art critic Richard Dorment, which described the Authentication Board's rejection of Simon's work as displaying a "complete misunderstanding" of the nature and import of Warhol's work and experimental methods.[4] Many from the art community, including Crone, Paul Alexander, Richard Polsky, David Mearns, and Richard Ekstract, wrote letters in support of Dorment's article, all of which were published on the *New York Review of Books*' Website. In addition, the Comité René Magritte, the Francis Bacon Authentication Committee and the Arshile Gorky Foundation jointly submitted a letter to the editor describing Dorment's article as "admirably clear." They stressed that, unlike the Warhol

FIGURE 1. **Andy Warhol(?), *Self-Portrait*, Silkscreen on canvas, 24" x 20". Coll. Joe Simon; photo courtesy Joe Simon.**

"Now, perhaps signaling a more aggressive posture . . . , the Warhol Defendants have hired litigator David Boies."

1 See Sharon Flescher and Mary Morabito Rosewater, "Dispute Against the Warhol Authentication Board Allowed to Proceed," *IFAR Journal*, Vol. 11, no. 1 (2009), p. 36.

2 *Simon-Whelan v. The Andy Warhol Foundation for the Visual Arts*, No. 07 CV 6423 (LTS) (S.D.N.Y., filed July 24, 2009).

3 *Simon-Whelan*, No. 07 CV 6423 (LTS), 2009 U.S. Dist. LEXIS 44242 (S.D.N.Y. May 26, 2009).

4 Richard Dorment, "What is an Andy Warhol?" *New York Review of Books*, rev. of *Andy Warhol* by Arthur C. Danto; *Pop: The Genius of Andy Warhol* by Tony Scherman and David Dalton; and *I Sold Andy Warhol (Too Soon)* by Richard Polsky, 22 Oct. 2009.

"The Warhol Defendants also have been at odds with their insurance company . . ."

Authentication Board, their opinions as to authenticity are made in an "advisory capacity," and works submitted to them are never stamped or "compromised physically." [5]

Not all the letters supported Dorment, however. Joel Wachs, President of the Andy Warhol Foundation for the Visual Arts (one of the Warhol Defendants), denounced Dorment's piece as "a highly partisan attack on a charitable entity" and "full of errors, omissions, and half-truths." [6]

The Warhol Defendants also have been at odds with their insurer, Philadelphia Indemnity Insurance Company ("PIIC"). Since 2003 (when Joe Simon first sent the Warhol Defendants a draft complaint), PIIC has denied litigation defense coverage under the Warhol Defendants' $10 million Director and Officer policy. Instead, it admitted coverage under a separate $2 million Errors and Omissions policy. The Warhol Defendants have disputed this interpretation ever since and, in April 2010, commenced an arbitration proceeding seeking a finding of coverage under the D&O policy. Rather than arbitrate, on April 28, 2010, PIIC sued the Warhol Defendants in New York State court. Among other things, it seeks determinations that it is not required to arbitrate; is not liable under the D&O policy; and, in any event, the statute of limitations for a contractual claim has expired.

For his part, Joe Simon, who initially wanted to pursue his claims as part of a broader class action, has had mixed success finding others willing to join him. As *IFAR Journal* reported, an additional plaintiff — noted British art dealer and philanthropist Anthony d'Offay — had been poised to join Simon's case, but ultimately decided not to proceed. At the time its story appeared, and at the request of parties involved, IFAR did not publish d'Offay's identity. His name was later revealed, however, by the *New York Review of Books*. In December, Simon abandoned his efforts to establish a class action and announced that he would be litigating solely on his own behalf. Although court documents do not reveal the reasons for this move, it is likely that aspects of the court's May 2009 decision, coupled with the unavailability of d'Offay, rendered a class action untenable.

The failure of his class action notwithstanding, Joe Simon will not, for all practical purposes, be pressing his case alone. In January, his attorneys filed a separate action against the Authentication Board on behalf of Susan Shaer (formerly Susan Mearns). [7] Like d'Offay, the Mearns family owns a silkscreen from the same (rejected) series as Simon's work. Shaer's allegations against the Authentication Board closely mirror Joe Simon's, and because of the similarities between the cases, *Shaer* was assigned to United States District Judge Laura Taylor Swain, who presides over the *Simon* litigation.

Still, in spite of all the apparent contentiousness, there may be hope for a negotiated resolution: the parties agreed in October 2009 to have the case referred to Magistrate Judge Andrew J. Peck for, among other things, "settlement purposes." The court record indicates that, since then, the parties have appeared for settlement and status conferences before Judge Peck. Yet, so far, a settlement has not been reached. It remains to be seen whether court-guided talks can resolve this difficult conflict, which, regardless of outcome, promises to influence the practice of art authentication for years to come.

— MARY MORABITO ROSEWATER, ESQ.
IFAR Research Associate
and SHARON FLESCHER

5 Sarah Whitfield, letter, *New York Review of Books*, 17 Dec. 2009, http://www.nybooks.com/articles/23522.

6 Joel Wachs, letter, *New York Review of Books*, 19 Nov. 2009, http://www.nybooks.com/articles/23390.

7 *Shaer v. The Andy Warhol Foundation for the Visual Arts*, No. 10 CV 00373 (LTS) (S.D.N.Y., filed Jan. 15, 2010).

THEY BOTH WANTED A PIECE OF THE ROCK [WELL]

BUT SPIELBERG'S DEALER PREVAILS OVER ORIGINAL OWNER IN THEFT CASE
OLD FBI DOCUMENTS PROVE CRUCIAL • APPEALS ARE PENDING

There is much still unanswered in the complicated ownership dispute over Norman Rockwell's *Russian Schoolroom* (FIG. 1), which was stolen in 1973 and made big news in 2007 when it turned up in the collection of movie producer Steven Spielberg. One of Spielberg's staff spotted the work on the FBI stolen art Website, where it had recently been posted, and notified authorities.

FIGURE 1. NORMAN ROCKWELL. *Russian Schoolroom*, 1967. Oil on canvas. 15 ¼" x 37". Licensed by Norman Rockwell Licensing, Niles, IL.

A battle for legal title ensued between the original owner, Jack Solomon, and the art dealer, Judy Goffman Cutler, who had acquired the work at a public auction in 1988 and sold it to Spielberg in 1989. In 2007, soon after the case went public and Solomon sued Spielberg (and the FBI), Goffman traded the work for another Rockwell in an effort to extract the filmmaker from the suits. Claims and counterclaims — for declaratory relief, conversion, quiet title, replevin, and defamation, among other charges — were filed in federal courts in New York and Nevada, involving, at times, Spielberg himself, the FBI, and the Art Loss Register (ALR), which was representing Solomon in the dispute.

It all led to a bench trial this March in the U.S. District Court for the District of Nevada.[1] Judge Roger Hunt's ruling on April 8th was unequivocal: Goffman had good title to the painting, and Solomon had no right to assert conversion against her because, not only did evidence show that he *knew* that the painting had reappeared in 1988, it showed that he *consented* to its sale at auction, and, what's more, *profited* from it. Solomon's assertions that he didn't know, the judge said, were simply "not credible." And, because Solomon *knew* that *Russian Schoolroom* was being sold at auction in 1988, all of his remaining claims were barred by the statute of limitations.

"Solomon's assertions that he didn't know [the work reappeared in 1988], the judge said, were simply 'not credible'."

But, despite the verdict, it seems that we haven't heard the end of this case. Solomon and Goffman have filed notices of appeal, and the ALR has filed suit (in state court in New York) against Solomon for allegedly failing to disclose to them the full details of his case and for reimbursement of legal fees and costs under the terms of their engagement contract.[2]

Meanwhile, IFAR has confirmed that the painting is back with Goffman in Rhode Island, and will be going on view with the Rockwell collection at The National Museum of American

[1] *Solomon v. Cutler*, No. 07-CV-00645, Decision (D. Nev. Apr. 8, 2010).

[2] *Art Loss Register v. Solomon*, No. 600438/10 (N.Y. Sup. Ct. filed Mar. 11, 2010).

Illustration in Newport, which Goffman co-founded with her husband.

THE THEFT

The work — an oil on canvas painted by Rockwell in 1967 on a trip to the Soviet Union and included in October of that year in a *Look* magazine article about the Soviet Union's education system **(FIGS. 2 & 3)** — was stolen in June 1973. Thieves broke into a gallery in Clayton, Missouri, to which Solomon had consigned the painting.[3] The gallery, Arts International, was a subsidiary of Circle Fine Art, a print dealership owned by Solomon, which was the exclusive publisher of Rockwell prints from 1971-76.

"Had the Art Crime Team known about this information in 2004, [Wittman] told IFAR, 'we never would have proceeded'."

Although the theft was reported to the local police and also to Solomon's insurer, Chubb, the painting was not found, and did not turn up again until 1988, when it was featured on the catalogue cover for the annual Louisiana Purchase Auction organized by the Morton

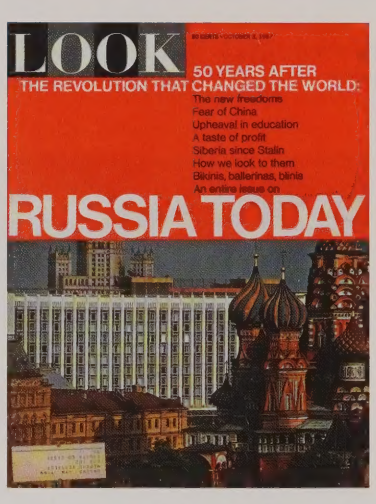

FIGURE 2. Cover of *Look*, October 3, 1967.

FIGURE 3. First page of a two-page *Look* magazine article with Rockwell's illustration.

Goldberg Auction Gallery in New Orleans.[4] Goffman, a major dealer in illustration art and the work of Rockwell, bought the painting at the auction for $64,000. With commission, she paid $70,400. Less than a year later, Goffman sold the painting to Spielberg (a Rockwell collector) for $200,000. All was seemingly quiet for 15 years, until the FBI's newly formed Art Crime Team initiated an investigation to locate and recover the stolen Rockwell in July 2004.

What triggered the new investigation after all these years? Robert Wittman, head of the FBI's Art Crime Team at the time, and now a private consultant, told IFAR that it was a tip to the Team's St. Louis FBI case agent saying that the Rockwell art theft case was still open (a tip probably generated from publicity about the newly-formed Team). Information that later came out at trial (see below), including signed memos in the FBI's own files, suggest that the case should have been closed in 1988, but, mysteriously, was not. Wittman "had no knowledge of these 1988 documents." Had the Art Crime Team known about this information in 2004, he told IFAR, "we never would have proceeded."

THE JUDGMENT OF SOLOMON *[V. CUTLER]*

Solomon initially filed suit against Steven Spielberg and FBI director, Robert S. Mueller, III, in federal district court in Nevada on

[3] In fact, the painting had already been sold, and partial payment made at the time of the theft, but the gallery terminated the sale after the theft. The purchaser, not Solomon, was listed as the owner on the police report.

[4] The two-day sale took place October 28 and 29, 1988; the Rockwell was sold on day two.

May 16, 2007.[5] Asserting causes of action for declaratory relief, replevin, quiet title, and conversion, Solomon sought damages and a return of the painting to his possession. Just one day prior, Goffman had filed suit against Solomon and the Art Loss Register in New York federal court. That case was voluntarily dismissed, and Goffman joined the Nevada litigation, taking the place of Spielberg as defendant when she retook ownership of the disputed Rockwell. Goffman counterclaimed against Solomon and the ALR for defamation and intentional tort based on Solomon's comments to the press regarding her due diligence efforts and ALR's emails and a phone call in which ALR allegedly threatened her in an effort to force return of the painting to Solomon. Her counterclaims, however, were dismissed on Summary Judgment.

Throughout the proceedings, Solomon asserted that he had no knowledge of the whereabouts of *Russian Schoolroom* after it was stolen in 1973 and before it was found in Spielberg's possession in 2007. A sealed FBI report of an investigation that occurred in 1988 when the painting resurfaced at auction, however, told a very different story. Entered into evidence over the objections of Solomon, and found only after Goffman subpoenaed the FBI records in pre-trial discovery, the documents indicated that FBI agents actually spoke to Solomon when *Russian Schoolroom* was being advertised for auction. During that conversation with the FBI, Solomon informed the agents that he had been notified of the upcoming sale, and that he had entered into a settlement agreement with the Goldberg Auction Gallery and Chubb, which had paid $20,000 in 1973 for the loss of the painting. Under the settlement, the parties agreed that 10 percent of the sale price (estimated in the catalogue at $100,000) would go to the auction house, $20,000 would be paid to Chubb, and the remainder would be split 50-50 between Solomon and the (unidentified) consignors. According to the court, these FBI memos — three in all, signed by the FBI's St. Louis agent in 1988 — "clearly demonstrate Solomon's knowledge of, consent to, and profit from the sale."[6]

Solomon denied that the FBI contacted him in 1988 and contested the admissibility of the FBI documents — suggesting that they were "unauthenticated." However, even without the FBI reports, the court determined that there was sufficient evidence to show that Solomon knew or should have known that *Russian Schoolroom* was being sold at auction in 1988. Several witnesses, for example, claimed to have called Solomon himself or the Circle Gallery, in which Solomon held an equity interest, and left messages to report that *Russian Schoolroom* was coming up at auction. In addition, advertisements for the painting's sale were placed in several prominent art magazines and featured on the cover of the auction catalogue. As a dealer in Rockwell's work, presumably Solomon would have noticed these. Finally, Chubb's insurance letter, written after Solomon filed this case, indicated that Chubb had waived its ownership interest in the painting.

"Some mysteries remain: Why, for example, wasn't the case closed in 1988? Who consigned the painting to the Goldberg Auction Gallery? . . ."

Based on these findings of fact, Judge Hunt concluded that Solomon knew of or should have known about the sale of *Russian Schoolhouse* in 1988. As a result, under Nevada law, his claims against Goffman for declaratory relief, quiet title, and replevin were barred under the statute of limitations. Although Solomon argued

[5] *Solomon v. Mueller*, No. 07-CV-00645, Complaint (D. Nev. filed May 16, 2007).

[6] *Solomon* Decision (2010), pp. 6-7. The FBI agent who signed the documents was Wanda Faust [Denny], St Louis agent from 1986 – 1990.

that New York law (more favorable to original owners in a theft/replevin case) should apply to his claims, Judge Hunt found that, even under New York's statute of limitations, the claims would be barred.

With respect to Solomon's claim of conversion, Louisiana law applied because if conversion occurred at all, it took place at the auction. Under Louisiana law, conversion occurs when "possession" of personal property "is acquired in an unauthorized manner."[7] Here, too, the court ruled for Goffman, saying that her investigation into the provenance of *Russian Schoolroom* prior to purchase in 1988 met the standard of care for art dealers in the industry. It said this despite the fact that she had not searched IFAR's — or any other — stolen art database.[8] (Ironically, even if she had searched the IFAR database in 1988, the work would not have turned up. The Rockwell was not registered on the ALR database until December 2005, when the FBI listed it as part of its reopened investigation.) Instead, Goffman's investigation included reviewing the provenance provided in the auction house catalogue, calling the Norman Rockwell Museum to see if museum officials had any additional information about the painting, and consulting the catalogue raisonné. Even without these investigative efforts by Goffman, Solomon's claim for conversion would have been precluded by his consent to the sale of the painting in 1988.

GOFFMAN'S DEFAMATION AND INTENTIONAL TORT CLAIMS

In earlier rulings, Judge Hunt threw out Goffman's claim of intentional tort against the ALR and her claims of defamation and intentional tort against Solomon. Goffman's claim against the ALR stemmed from two emails and a telephone call to her attorney in which the ALR allegedly attempted to force her into settlement and in which she was allegedly threatened with criminal prosecution. Her defamation claim against Solomon resulted from comments he made to the press that she "should have known better" and that "she could have checked that "there's been a record of this ever since the day it was stolen." [9] Both ALR and Solomon filed motions for summary judgment on these claims and Judge Hunt granted those motions on August 25, 2009. However, because the judge's rulings on these motions were filed under seal and are unavailable to the public, it is unclear on what basis Goffman's claims were actually dismissed.

NEXT STEPS AND UNANSWERED QUESTIONS

Notices of appeal have been filed by both Solomon and Goffman in the U.S. Court of Appeals for the Ninth Circuit.[10] Solomon is appealing Judge Hunt's April 8, 2010 decision that he knew of and consented to the auction sale of *Russian Schoolhouse.* He will presumably claim that the FBI documents from 1988 and other testimony were improperly admitted into evidence. Goffman, on the other hand, is appealing the court's rulings on her claims of defamation and intentional tort, although here, too, details will become clearer once the opening briefs are filed, assuming the parties actually go ahead with their appeals.

Some mysteries remain: Why, for example, wasn't the case closed in 1988? Who consigned the painting

7 *Id.* p. 9.

8 The ALR was not created until 1991, at which point IFAR licensed its database to it.

9 *Cutler v. Art Loss Register*, No. 07-CV-00645, Third Party Complaint (D. Nev. filed Sept. 17, 2007).

10 *See Solomon v. Mueller*, No. 10-15969 (9th Cir. filed Apr. 28, 2010) and *Solomon v. Cutler*, No. 10-16049 (9th Cir. filed May 6, 2010).

to the Goldberg Auction Gallery? Described only as "a couple," there is no mention of the consignors' names in any of the court documents. Did the auction house ever ask how they acquired the painting? Were they involved with the theft? The statute of limitations on the crime itself has long since passed, but clearly the consignors were not sure they had good title at the time of the auction or they would not have agreed so readily to split the proceeds 50/50 with Solomon. Other questions: Why didn't the theft get registered in IFAR's stolen art database, either by Solomon or Chubb? Admittedly, the IFAR database wasn't launched until 1977, four years after the theft, but thousands of items were registered retroactively. And, most puzzling, why did Solomon pursue this claim when all evidence shows that he relinquished legal title in 1988? Was the temptation simply too great, given the prices that Rockwell now commands in the marketplace? We will probably never know.

— SHARON FLESCHER, with SHIMA MAJIDI, ESQ.

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WALLY TRIAL SET TO BEGIN

After more than 12 years, and seemingly endless legal rulings and maneuvering, the trial over Egon Schiele's *Portrait of Wally* is finally scheduled for July 26, 2010 in federal district court in Manhattan. Judge Loretta Preska, whose September 2009 ruling allowing the case to proceed in the U.S. was the subject of an article in the last issue of *IFAR Journal* (see column right), will preside. The case goes back to late 1997 when the defendant, the Leopold Museum in Vienna, lent *Wally* to New York's Museum of Modern Art for an exhibition. While there, the painting was claimed by the heirs of its pre-World War II owner. It was seized by the U.S. government in 1998 pending resolution of the ownership dispute. The painting has remained in the U.S., out of public view, ever since.

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ERRATUM

In the article "Decade-old Schiele Case May Finally Head to Trial" (*IFAR Journal*, Vol. 11, no. 2 [2009]), IFAR wrote that: "Both the Government and the Leopold Museum agree that Bondi, a Jewish art dealer in Vienna, 'sold' the painting [*Portrait of Wally*] in 1939 to Friedrich Welz, an Austrian Nazi. . ." In fact, although we made clear that this was not a voluntary transfer and 'sold' was put in quotes, the parties only agree that the painting was transferred from Bondi to Welz. The Government maintains that this was not a sale, but rather that Welz demanded that Bondi hand it over and that after she initially resisted, she ultimately relented, aware that Welz could prevent her planned escape from Austria. Bondi received no compensation. Therefore, as the article states, the Court determined that Welz stole the work from Bondi.

RASH OF ART THEFTS IN FRANCE

A MAY BREAK-IN AT PARIS' MUSEUM OF MODERN ART IS LATEST IN A STRING

Perhaps it's something in the water, or it's just a stretch of bad luck, but a break-in at the Musée d'Art moderne de la Ville de Paris in the early morning hours of May 20 is only the latest in a string of sophisticated art heists from museums and residences in France that raise questions about art security in this gloriously art-rich country, and the possible role of organized crime.

"What, one may ask, were the three guards *doing*? And how did the thief outsmart the security system?"

This last theft is arguably the most puzzling, and one of the most brazen. Somehow, during the night of May 19-20, a lone thief managed to smash a window pane on the side of the museum; break a padlock; enter several rooms; take five significant paintings — by Matisse **(FIG. 1)**, Picasso **(FIG. 2)**, Braque **(FIG. 3)**, Léger **(FIG. 4)**, and Modigliani **(FIG. 5)**; remove the paintings from their frames **(FIG. 6)**; elude three guards on duty; and escape. The break-in was not discovered until regular patrols later that morning. What, one may ask, were the three guards *doing*? And how did the thief outsmart the security system?

FIGURE 1. HENRI MATISSE. ***Pastoral,*** **1905. Stolen from the Musée d'Art moderne in Paris, May 2010.**

FIGURE 3. GEORGES BRAQUE. ***Olive Tree Near L'Estaque,*** **1906. Stolen from the Musée d'Art moderne in Paris, May 2010.**

As it happens, the last question seemed *initially* to be the easiest to answer. Public announcements at the time of the theft said that the security system was "partially" malfunctioning, and that the museum had discovered a problem with the system on March 30 and had notified its service provider (SPIE), but as of two months later, the provider was still waiting for its supplier to provide a missing part. Early reports also suggested

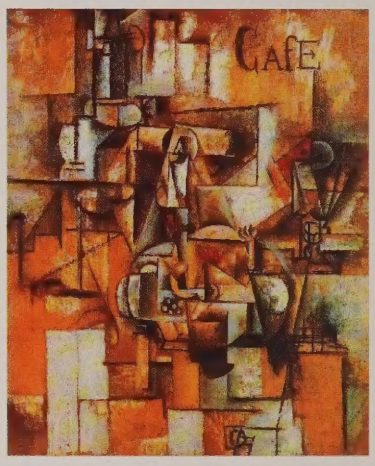

FIGURE 2. PABLO PICASSO. ***Pigeon with Peas,*** **1912. Stolen from the Musée d'Art moderne in Paris, May 2010.**

FIGURE 4. FERNAND LÉGER. ***Still Life with Candlestick,*** **1922. Stolen from the Musée d'Art moderne in Paris, May 2010.**

that motion detectors had not been triggered, since the three guards

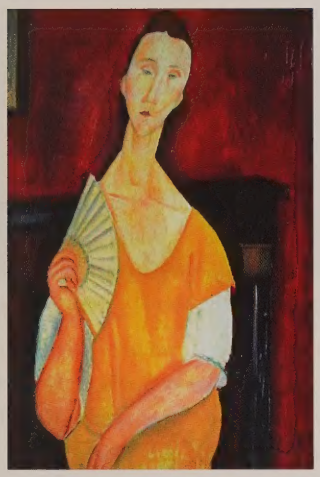

FIGURE 5. AMEDEO MODIGLIANI. *Woman with a Fan,* 1919. Stolen from the Musée d'Art moderne in Paris, May 2010.

FIGURE 6. French forensic police transfer an empty frame through a window of the Musée d'Art moderne in Paris after the May theft. Photo: Reuters.

on duty (at their posts in the basement) apparently saw nothing unusual on their video screens.

But the picture isn't so simple. A post-theft investigation of the security system by the service provider led to an announcement on June 10, as *IFAR Journal* went to press, saying that, despite a malfunction in part of the museum, the *global* security system — including motion detection — *was* functioning on May 19-20, and, what's more, all the cameras were working. The report also noted that the missing part has now been replaced. If the report is correct — and a municipal investigation is still underway — it puts the blame squarely back on the museum and its personnel.

One would think that knowledge of a weakness in the security system — in the form of a missing part — would, at the least, have put the guards on extra alert. It also raises the question of whether the thief was aware of the malfunctioning part or any other weakness (mechanical or human) in the security system or procedures, and, if so, how? Certainly his actions — taking the time to remove the works from the frames, for example — suggest that he was. Was he tipped off by someone on the inside?

A closed circuit camera captured a lone intruder — disguised with a hood, mask and gloves — going through the museum window and entering several rooms before taking the five works, which appear to have been specifically targeted. The CCTV footage is very grainy, but the BRB-PP (Brigade de Répression du Banditisme) — the French police in charge of art thefts — is studying it for whatever clues it can provide. The poor quality of the video, according to the (rather defensive) SPIE announcement on June 10, is not a result of malfunction, but rather of the quality of equipment that was installed, which, they insist, met the specifications they were given, and is consistent with other installations of that kind.

Ironically, the museum of modern art in Paris, a municipal museum on the Right Bank across the Seine from the Eiffel Tower (and not to be confused with Paris' other major museum of modern art, the Centre

FIGURE 7. EDGAR DEGAS. *Les Choristes (The Chorus)*, 1876-77. Stolen from the Musée Cantini in Marseille, December 2009.

Georges Pompidou, across town), is a relatively new and secure museum. Housed in a 1937 building that it shares with the Palais du Tokyo, the museum was officially opened in 1961. It was closed for renovations for two years in 2004 to upgrade security (both fire and theft) at a cost of 157 million euros. None of that matters, however, if guards don't do their job properly (or are actually complicit in the crime) — or equipment malfunctions.

The Mayor of Paris, Bertrand Delanoë, outraged at what he called "an intolerable attack on the universal cultural patrimony of Paris," ordered an "administrative inquest," offered his full support to the museum director and staff and ordered the museum closed temporarily to the public. The museum reopened to the public on June 11 with a major temporary exhibit ("Dynasty") devoted to emerging artists. Jointly organized with the Palais de Tokyo, "Dynasty" is in the part of the museum set aside for temporary exhibitions that is said to be entirely secure.

The five stolen paintings, all part of the museum's permanent collection, date from the first part of the 20th century. The Matisse *Pastoral* (1905) and Braque's *Olive Tree Near L'Estaque* (1906) are from those artists' relatively brief Fauve period. There are two Cubist works: Picasso's *Pigeon with Peas* (1912) and Léger's *Still Life with Candlestick* (1922), while the Modigliani, *Woman with a Fan*, is a portrait of Lunia Czechowska and dates to 1919. The museum initially gave an estimated value of the works at 600,000 euros, but later said that they were worth approximately 100,000 euros, with the Matisse and Picasso the most valuable.

With this theft, as with any theft of works so recognizable and well publicized, the first question after "how" did the theft happen is "why"? There is no legitimate market for these works; they are unsaleable. If ransom or insurance money was the objective, no demand has been made public by press time. If this was the work of organized criminals out to prove a point to — and effectively "thumb their noses at" — French police, they have made their point, but their specific motives are not yet clear. Given the fact that organized gangs were involved in a couple of other recent French thefts, however, this hypothesis should probably not be ruled out.

FIGURE 8. The Musée Cantini in Marseille.

MARSEILLE AND PROVENCE

The Paris theft comes on the heels of several other notable recent art thefts in France. Only five months earlier, during the night of December 30-31, just before New Year's Eve (historically, a vulnerable time for museum thefts), a Degas monotype pastel, *Les Choristes*, **(FIG. 7)** was stolen from the Musée Cantini in Marseille **(FIG. 8)**. The small work on paper, measuring 27 by 32 centimeters (10.6 x 12.6 inches), was one of several works lent to the Cantini by the Musée d'Orsay in

Paris for a temporary exhibition about art and theatre ("De la scène au tableau"), which was scheduled to close only four days later and then travel to Italy and Canada. Somehow, apparently without triggering any security alarm, let alone breaking a window, a lone thief or thieves (unlike the Paris theft, the number of intruders is not known, or at least has not been made public) got into the museum and simply unscrewed the Degas from the wall. The theft wasn't discovered until the museum opened the next morning at 10:00. The work is still missing.

"With this theft, as with any theft of works so recognizable and well publicized, the first question after 'how' . . . is 'why'?"

The Cantini, a French national museum, is housed in a former private mansion built at the end of the 17th century and converted to a museum in 1936. This was its first known theft. France's special investigative unit for art thefts, the OCBC (l'Office central de lutte contre les traffics des biens culturels), working with Marseille's municipal police, is in charge of the investigation, and is said to be studying forensic and other evidence, but very little information has been made public. The smoothness of the operation suggests insider information, if not outright complicity, as well as professionalism. A night watchman on duty at the time of the theft was detained for questioning, but was later released.

The very same day that the Degas was stolen, there was another major theft in the South of France. Around 30 works were taken from a private villa in La Cadière d'Azur, a village in the Var region not far from Marseille. (The exact number of works is not clear. It was originally said to be 30, but a Modigliani thought to have been stolen was later found in the home. A subsequent news report — on January 16 — mentioned 32 works, but, in fact, only 28 were registered with Interpol and the Art Loss Register.) The stolen items include a charcoal by Raoul Dufy, a Foujita oil, a 1961 Picasso drawing, *La Ronde de la Paix*, and several works by Provencal artists, such as Henri Emilien Rousseau (not le Douanier) and Gérard Pamboujian. Two weeks after the theft, the owner of the collection, a French industrialist who wished to remain anonymous, announced a reward of 100,000 euros "in exchange for his complete collection."

The owner was away on vacation when the theft was discovered by a watchman on December 31 and reported to the police. Unlike the Musée Cantini heist, this theft had obvious signs of a break-in, including a smashed bedroom window, emptied dresser drawers and closets, and broken and scattered picture frames, suggesting a different kind of operation. Two suspects were questioned in April, and, at press time, another eleven were brought in.

PICASSO MUSEUM

Meanwhile, still unsolved and unrecovered, is the theft last June (2009) from the Musée Picasso in Paris of a Picasso sketchbook containing 33 original pencil drawings. The sketchbook, which measures a little over 6 x 9 inches, dates from 1917-1924 and has a red leather cover with the word "Album" inscribed in gold letters **(FIG. 9)**. It contains drawings of women **(FIG. 10)**, including his first wife Olga, and several still-lifes **(FIG. 11)**, all unsigned. Given the astronomical prices that Pica-

FIGURE 9. Cover of the Picasso sketchbook stolen June 2009 from the Picasso Museum in Paris. © Succession Picasso 2009.

sso's works currently bring on the market, the sketchbook is valued in the millions (the museum gave a figure of 8 million euros), but, like the other recently stolen works, it cannot be sold on the legitimate art market.

The theft bears some similarities to the recent theft from the modern art museum in Paris. Here, too, there was no alarm, and, in fact, no signs of break-in. The theft is believed to have occurred at night, on a Monday, but was discovered on a Tuesday afternoon, when the museum was officially closed to the public but open for a private viewing. Although initial reports said that the sketchbook was taken from an unlocked glass case attached to the wall, it later turned out that the display case was, in fact, locked and had been pried open. It was not connected to an alarm, however; nor were there video cameras in that room. When the museum reopened to the public a couple of days after the theft, two different books were displayed in the case,

FIGURE 10. One of the 33 Picasso pencil drawings in the sketchbook stolen from the Picasso Museum. © Succession Picasso 2009.

and an alarm had been connected to it.

Ironically, the June 9 theft occurred only two months before the Picasso museum was scheduled to close for two years to undergo major renovation and security upgrades. The museum is housed in the Hôtel Salé, a 17th century mansion in the Marais district of Paris. It was converted into a museum to house the hundreds of works given to the French government by Picasso's family in lieu of inheritance taxes after the artist's death, and was opened to the public in 1984. The BRB, the very busy police unit investigating the theft from the museum of modern art, is also in charge of this case.

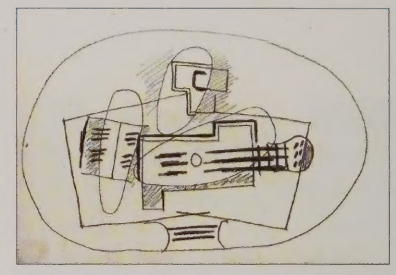

FIGURE 11. One of the Picasso still-life drawings in the sketchbook stolen from the Picasso Museum. © Succession Picasso 2009.

ORGANIZED CRIME?

While the criminals are still unknown, the recent museum thefts manifest such a high level of sophistication that one cannot help but wonder whether gangs or syndicates were involved. Indeed, Christophe Girard, the Mayor's cultural deputy, declared that the theft from Paris' museum of modern art was such that it had all the markings "of organized crime." This is not far-fetched; criminal gangs were definitely involved in two other French thefts in the last few years: the August 2007 theft from the Musée des Beaux-Arts in Nice and the February 2007 theft of three Picassos — two paintings and a drawing — from the Paris home of the artist's granddaughter (see *IFAR Journal*, Vol. 9, nos. 2 and 3). In the Nice theft, more confrontational and dangerous than the recent museum thefts, five masked and armed robbers stormed into the museum in broad daylight and

made off with a Monet, a Sisley, and two works by Jan Breughel. The paintings were later recovered in a sting operation; the fence, who tried to sell the works to a U.S. buyer who turned out to be an FBI undercover agent, was convicted in U.S. federal court in Florida (he is currently appealing despite a guilty plea); and the accused thieves are in prison in France awaiting trial. They turned out to be professionals believed to be part of La Brise de Mer — a large and loosely-knit criminal gang with roots in Corsica and Marseille. The perpetrators of the theft from Picasso's granddaughter were connected with the same gang, and tried to sell the stolen Picassos to the same FBI undercover agent!

It remains to be seen whether the organized crime hypothesis for the most recent thefts is substantiated. What is clear is that the French authorities in charge of art theft have their hands full right now. And this does not include another major — albeit very different — art theft investigation currently underway in Paris concerning the venerable Hôtel Drouot auction house, but more about that another time.

— SHARON FLESCHER

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IFAR JOURNAL WINS FIRST PRIZE — *AGAIN*

It's getting to be a nice habit. Once again, we are thrilled to announce that the *IFAR Journal* has won First Prize in its category (Scholarly Journals, Smaller Institutions) in the annual American Association of Museums' Publications Contest. The *Journal* was displayed with other contest winners at the AAM's Annual Meeting in Los Angeles, May 23-26, 2010, and will be included in the July/August issue of *Museum* magazine.

This is the fifth time that the *IFAR Journal* has won an award in the AAM's Annual Publication Contest. Needless to say, we are deeply honored and delighted. Kudos to our designer, Ana Lucia Rosales-Boujnah, and to our editorial and production team: Dr. Sharon Flescher, Editor-in-Chief, and Kathleen Ferguson, Editor. A thank-you as well to all the writers and IFAR Board and Advisory Council members and others who've contributed to the success of this publication. A heartfelt "thank you" to all our funders, whose support enables us to continue our work, and a special "thank you" to those funders who have specifically supported the *IFAR Journal*, including: The Pierre and Tana Matisse Foundation, The Liman Foundation, the National Endowment for the Arts, and the International Music and Art Foundation.

The *IFAR Journal,* which goes to subscribers in 19 countries, is incorporated into the curricula of many universities and its articles are frequently cited and reproduced. The Journal replaced IFAR's previous publication, *IFARreports*, in 1998.

FINDING FRIDA KAHLO:

Controversy Calls into Question the Authenticity of the Renowned Artist's Work

JASON EDWARD KAUFMAN*

There is keen interest in anything related to the Mexican artist Frida Kahlo (1907–1954). Over the past three decades, major exhibitions in the U.S., Mexico and Europe have examined her life and career, cementing her position in the history of art **(FIG.1)**. Prices for her works have soared and her reputation has bloomed in the popular imagination since the 1983 biography by Hayden Herrera revealed the physical and emotional hardships she suffered. Kahlo has become a feminist icon and an international brand spawning a mugs-to-magnets merchandising operation and a 2002 Hollywood biopic.

Kahlo left no autobiography, and the 80 or so letters and a single diary published in the 1990s have not begun to slake the thirst for details and relics of her personal life. Scholars recently have begun to delve into her papers, which remain in the Casa Azul, her home and studio in Mexico City. According to officials of the trust that oversees the property, there are more than 22,000 letters and other documents, 5,300 photographs, 3,800 periodicals, and dozens of other items. The trove was sealed until the death of her husband Diego Rivera's executor, the collector Dolores Olmedo Patiño, in 2002. Some legitimate Kahlo letters and drawings have come to light outside this repository as researchers have combed through the archives of her friends and acquaintances around the world. And occasionally an unknown work comes to light, such as the painting *Survivor*, 1938, formerly owned by Walter Pach, included in the Latin American sale at Christie's New York in May 2010 (Lot #27).

Kahlo's works are quite rare — only around 200 oils — and her canonization has spurred an exponential rise in prices: A Kahlo self-portrait that brought $27,000 at auction in 1979 was sold privately to a European collection in 2005 for $5.25 million, and her well known oil painting *The Little Deer*, 1946 **(FIG. 2)**, privately owned, is appraised for around $10 million, according to New York dealer Mary-Anne Martin, a specialist in the artist's oeuvre. Martin bought the work for her gallery in 1983 for $44,000 and sold it in 1985.

FIGURE 1. FRIDA KAHLO, *Self-Portrait with Small Monkey*, 1945. Oil on masonite. 22 1/8" x 16 5/8" (56 x 41 cm). Museo Dolores Olmedo, Xochimilco, Mexico City. © 2010 Banco de México Diego Rivera y Frida Kahlo Museums Trust.

Martin and other Kahlo experts have witnessed an increase in the number of questionable works, if not outright fakes, circulating on the secondary market

*Jason Kaufman, the longtime Chief U.S. Correspondent for *The Art Newspaper*, is an art critic, reporter and editor based in New York.

FIGURE 2. FRIDA KAHLO, *The Little Deer,* 1946. Oil on masonite. 8 7/8" x 11 3/4" (22.5 x 29.8 cm). Private collection. © 2010 Banco de México Diego Rivera y Frida Kahlo Museums Trust.

FIGURE 4. *The Little Deer.* Oil on Masonite. 24 x 33 cm. Noyola Collection. The attribution to Frida Kahlo is questioned. Photo: Courtesy Noyola Coll.

in recent decades, but nothing quite like the massive cache that emerged last year in Mexico. The "rediscovered" material includes more than 1,200 items — oil paintings, drawings, diaries, letters, painted boxes and ephemera. The owners characterize it as an archive assembled by Frida Kahlo, but the entire collection has been roundly rejected by the established authorities on the artist's life and work, although other people have spoken out in favor.

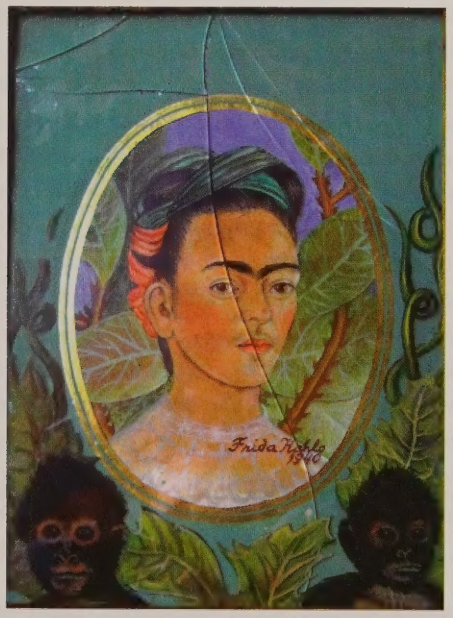

FIGURE 3. *Woman with Monkeys.* Oil on canvas with glass. 31 x 22 cm. Noyola Collection. The attribution to Frida Kahlo is questioned. Photo: Courtesy Noyola Coll.

The collection belongs to Carlos Noyola and his wife Leticia Fernández, owners of the antique store La Buhardilla Antiquarios in San Miguel de Allende, Mexico. The Noyolas say they purchased the items incrementally from 2004 to 2007 from a lawyer in Mexico City, Manuel Marcué, who in turn had bought them around 1979 from a woodcarver, Abraham Jiménez López, who allegedly received them from Kahlo possibly in lieu of payment for frames. The Noyola materials number around 17 oil paintings **(FIGS. 3-5)**, more than 50 watercolors and pastels, 200 odd drawings and hundreds of letters, recipes, and other items, as well as suitcases and painted boxes, in which Kahlo ostensibly kept the material.

> "The Noyola materials number around 17 oil paintings, more than 50 watercolors and pastels, 200 odd drawings and hundreds of letters, recipes, and other items . . ."

It is known that Kahlo and López were acquainted, but the Noyolas have not provided verifiable documentation confirming the alleged provenance. The woodcarver López died in the 1980s, and Marcué — whom the Noyolas and others describe as "an eccentric" who lives in a filthy, gated "bunker" guarded by 200 dogs — has not made any public statement about the material. "The seller had gathered all the

"... there is no way on earth that any of these works could pass muster at Sotheby's, Christie's, or my gallery," says Mary-Anne Martin.

pieces from this archive and there were no more," says Carlos Noyola, declining to say how much he paid to acquire them. [1]

Revelation of so much unknown material would be major news were it legitimate, but the consensus is that it is not. Mary-Anne Martin, who founded the Latin American art department at Sotheby's in the late 1970s before opening her eponymous New York gallery specializing in this field, denounces the Noyola material as "a gigantic hoax ... The drawings are badly done, the writing infantile, the content crude; the anatomy drawings look like something from a butcher shop instruction book. The paintings are 'pastiches,' composites based on published works. The provenance provided is unverifiable and meaningless. There's nothing I would like more than to discover a group of unknown works by Frida Kahlo, but there is no way on earth that any of these works could pass muster at Sotheby's, Christie's, or my gallery," she says.

Dr. Salomon Grimberg, co-author of the 1988 Kahlo catalogue raisonné,[2] says, "I have over forty years looking at the works of Frida and I can say that this is grotesque and vulgar." Professor James Oles, a Wellesley College art historian and curator of Mexican modern art who has done research in Kahlo's surviving archives at the Casa Azul, says, "Based on years of scholarship and careful looking at her archive letters, the formal quality of the drawing and the writing in the Noyola material seems to me completely wrong. Even after seeing examples in person, the amateur quality of drawings and letters, clearly done by different hands, filled with visual and orthographic errors, simply confirms this."

THE DISCOVERY

The supposed trove became known to the public in December 2005, when a painting **(FIG. 4)** of a Frida-headed deer (based on Kahlo's *The Little Deer*) and four other alleged Kahlo paintings were "discovered" in Mexico and said to be among 283 related items. Several Mexican art historians and collectors, including critic Raquel Tibol, declared the works false.

In September 2008 around 250 items from the Noyola collection were published in a catalogue titled *The Labyrinth of Frida Kahlo*.[3] The volume includes a text by Jennifer Church, a philosophy professor specializing in gender studies at Vassar College, with no other publications in art history or Kahlo studies. The book also contains information from chemical analyses conducted by Church's husband, Daniel Friedman, a "building diagnostician and forensic microscopist," with no apparent experience in the technical analysis of works of art.[4] The catalogue was published by the Center for the Study of Mexican Art, in Guanajuato — apparently with support from the Noyolas — and had very limited distribution.

In June 2009 *The New York Times*[5] reported the purported discovery of the Noyola "archive" and announced a forthcoming publication by Princeton Architectural Press. That 256-page hardcover, *Finding Frida Kahlo*,[6] released in November 2009, includes reproductions of paintings, drawings, and handwritten letters, diaries, notes, trinkets and other ephemera all attributed to the artist. In publicity materials, New York-based Princeton Architectural Press (which has no connection to the university) described it as "an astonishing lost archive of one of the twentieth century's most revered artists ... full of ardent desires, seething fury, and outrageous humor."

Finding Frida also includes an interview with the collectors in which they recount their acquisition of the work. The main essay is by Barbara Levine, a former director of exhibitions at the San Francisco Museum of Modern Art, who, like Church, spends

1 Email Carlos Noyola to this author on August 18, 2009. All other quotations in this article, unless otherwise noted, are documented and excerpted from emails to this author sent between August 2009 and May 2010.

2 Helga Prignitz-Poda, Salomon Grimberg, Andrea Kettenmann, *Frida Kahlo: das Gesamtwerk* (Frankfurt am Main: Verlag Neue Kritik, 1988).

3 Jennifer Church, *The Labyrinth of Frida Kahlo* (San Miguel de Allende, Gunajuato, Mexico: Centro del Investigación del Arte Mexicano, 2008).

4 Friedman posts his resumé at http://www.inspectapedia.com/danbio.htm.

5 Eve M. Kahn, "An Artist's Treasures," *New York Times*, June 25, 2009, Section C, p. 28.

6 Barbara Levine, *Finding Frida Kahlo: in Mexico, Fifty-five Years After the Death of Frida Kahlo, in San Miguel de Allende* (New York: Princeton Architectural Press, 2009).

time in San Miguel. The book is about "my personal encounter with the materials," she says, adding that what interests her is how and why people assemble archives, rather than matters of attribution. Yet, in her essay Levine treats the material as if she had no doubts that it is Kahlo's, describing her study as "about the personal belongings of an icon."

At a panel discussion about the Noyola collection held at the public library in San Miguel on October 9, 2009, Levine told the audience, "I'm not a scientist, not an academic. I'm probably the least qualified person to write about Frida Kahlo." She brought in as a secondary author Stephen Jaycox of San Francisco, with whom she has worked on library and archival exhibitions through a company called "project b" (presumably for "Barbara") that offers curatorial services and sells vernacular photographs and ephemera. (Last year Levine sold 79 albums of vernacular photographs, dating from 1887 to 1938, to the International Center of Photography in New York.)

The *Finding Frida* book illustrates painted and drawn likenesses of Kahlo and Kahlo-related motifs, as well as letters and journal entries that touch on hot-button topics, from the artist's alleged sexual affair with Trotsky to her lesbian activities. There also are a number of childlike pornographic sketches. By filling gaps in the artist's personal life, the Noyola archive seems designed to entice the general public more than professional art historians or curators.

In August 2009, soon before the book's public release, 10 Kahlo scholars and dealers from Mexico and the U.S. wrote a letter to the press and to Mexican government culture officials declaring that "all of the documents and works … are fakes." They noted that Kahlo is designated artistic patrimony of the Mexican nation[7] — her works are subject to federal trade and export restrictions — and appealed to government culture agencies (the National Council for Culture and the Arts and the National Institute of Fine Arts) and to the protectors of the moral rights of Frida Kahlo (The Diego Rivera-Frida Kahlo Trust) "to put a stop to this type of fraud and clarify the situation."[8]

The letter was signed by Grimberg, Martin, Oles, Herrera, Diego Rivera's grandson Pedro Diego Alvarado, Teresa del Conde, the former director of the Museum of Modern Art in Mexico City, Galería de Arte Mexicano owners Alejandra Reygadas de Yturbe and Mariana Pérez Amor, art historian Irene Herner, and dealer Sandra Weisenthal.

"The controversy escalated when Christopher Knight, art critic for the *Los Angeles Times*, …argued that the Noyola collection was being rejected, effectively, by a self-appointed 'mafia' of experts."

Following notices in the Mexican press, an article (by this author) posted on *The Art Newspaper* Website on August 20, 2009 precipitated headlines in newspapers and magazines around the world.[9] The controversy escalated when Christopher Knight, art critic for the *Los Angeles Times*, who has viewed the works at the Noyolas' gallery in San Miguel and believes they at least merit "serious study," argued that the Noyola collection was being rejected, effectively, by a self-appointed "mafia" of experts.[10]

The experts objected that the Noyolas and, even more, an established U.S. press, had published the collection without consulting any of the most widely recognized authorities on Kahlo's work. To the contrary, said the Noyolas: Diego Rivera's late granddaughter, Ruth Alvarado Rivera, and two former students of Kahlo, supported the attribution. "Out of all the contacts we know, [the Kahlo students] Arturo Garcia Bustos and Arturo Estrada [known as the 'Fridos'] are the living experts who spent more time with her and knew her better personally. So … we *did* involve the best known

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7 A 1984 Mexican decree designated all Frida Kahlo works national monuments. See: *Decreto por el que se declara monumento artístico toda la obra de la artista mexicana Frida Kahlo Calderón, incluyendo la obra de caballete, la obra gráfica, los grabados y los documentos técnicos, sean propiedad de la Nación o de particulares, Dario Oficial de la Federación [D.O.] 18 de julio de 1984 (Mex.).*

8 The letter was published in Mexican newspapers including *La Reforma*. See "Refutan expertos libro sobre Frida," *Reforma*, August 27, 2009.

9 *The Art Newspaper*, September 2009, posted online August 20, 2009: http://www.theartnewspaper.com/articles/Forthcoming-Frida-Kahlo-book-denounced-as-fake/18682 .

10 Christopher Knight, "A Purported Frida Kahlo Archive is the Subject of Dispute," *Los Angeles Times*, September 5, 2009, and "Fighting over Frida Kahlo," September 6, 2009, where he described the critics as "cogs in the machinery of what could be called the Frida Kahlo industry."

scholars of Frida's work in our opinion," Carlos Noyola stated in an email.

"We believe this collection contains authentic articles that belonged to Frida Kahlo," he continued, but hedged his own endorsement of the work: "It would be irresponsible to claim that we know this for sure, just as we view as extremely irresponsible that some scholars claim to know the opposite with certainty even though they have not seen, much less studied the material."

THE DALLAS SYMPOSIUM

This past February, a two-day symposium about the collection brought many of the parties together for the first time. Chris Byrne, co-founder of the Dallas Art Fair, had been following the attribution debate and organized the panel in conjunction with the fair (this writer was the moderator). Participants included Dr. Grimberg, Mary-Anne Martin, Professor Oles, Princeton Architectural Press publisher Kevin Lippert, and the owners of the disputed material, Carlos Noyola and Letitia Fernandez, who agreed to bring examples of the collection for display. Now, for the first time, the critics would be able to judge the actual works firsthand.

"'. . . We *did* involve the best known scholars of Frida's work in our opinion,' Carlos Noyola stated in an email."

Declining to take part were the authors of the two Noyola books, Jennifer Church and Barbara Levine, and the *Los Angeles Times*' critic Knight. In an email before the program, Church and Friedman evaded questions about presenting the disputed material as genuine. "We can't help but wonder whether there are conflicts of interest that prevent these experts [the naysayers] from actually looking at the material and exposing their own reasoning to public scrutiny," said Church, though it was she who refused to participate in the public forum. Levine similarly dodged the issue. "I became intrigued with the obvious question: If this was not an authentic lens on Kahlo's world then who went to the extreme of constructing such a compelling fictitious archive?" she asked, adding, "I have the highest regard and appreciation for the authorities on Frida Kahlo and understand it may take years to fully evaluate each piece in the Noyola Collection in order to thoroughly reconcile authenticity, fact, and fiction."

The Noyolas began by showing an infomercial-style video restating their initial claims. The video included interviews with the Fridos and a synopsis of an unpersuasive handwriting analysis by a Mexican graphologist named Juan R. Abraham Dergal comparing letters in the Noyola collection to known writings of Kahlo. Grimberg then dissected images from other collections that he said were pastiches of known works by Kahlo, likening the fabrications to works in the Noyola collection. Grimberg says that every element in Kahlo's compositions carries specific metaphorical significance, but that not one of the works in the Noyola collection contains what he would deem her complex and personal way of composing. Indeed, he scoffs at some of the works. As he wrote in a follow-up email to this author: "How do they explain the self-portrait as a turtle, or the one in which she is wrapped with firecrackers and *smiling* at the viewer?" **(FIG. 5)**

In his email, he pointed out inconsistencies in some of the works the Noyolas displayed in Dallas. A drawing of Rivera, for example, **(FIG. 6)** could not be by Kahlo, he wrote, because it was based directly on the last photograph of Kahlo and Rivera taken days before her death. According to Grimberg, "Kahlo, under the effect of multiple medications, no longer had a hand steady enough to do a drawing as detailed as the one in the Noyola collection (which was not dated). When could she have done that portrait of Rivera if the photograph from which it was taken was published *after* her death?" he asked.

"My impression when seeing all the 'self-portraits' together," he continued, "was that there was no coherency that pulled them together. Yes, they were all *of the same person*, but not made *by the same person*, but by different people." Moreover, only one work, he noted, has areas of paint handling that resemble Kahlo's careful technique, and that work — depicting a dead

FIGURE 5. ***Woman with Firecrackers.*** **Oil on cardboard. 35 x 31 cm. Noyola Collection. The attribution to Frida Kahlo is questioned. Photo: Courtesy Noyola Coll.**

FIGURE 6. Drawing of Diego Rivera. Noyola Collection. Pencil on paper. 19 1/2" x 13 3/4" (50 x 35 cm). The attribution to Frida Kahlo is questioned.

Frida-headed deer **(FIG. 4)** — "is not Kahlo's painting because the concept of the work as well as its execution were invented by someone who does not understand the depth of her iconography."

Mary-Anne Martin made similar arguments at the symposium, referring to a variety of fakes she has encountered over the years that borrow features from known Kahlo works, then focusing on the Noyola variant on *The Little Deer.* Whereas the authentic work depicts the creature prancing and pierced with arrows, the Noyola version shows it collapsed in its death throes, prompting Martin to title it "The Little Dead Deer."

Martin also noted that the late Ruth Alvarado Rivera, whom the Noyolas cite as a crucial supporter of their collection, was known to provide certificates of authenticity for works widely recognized as fakes, and that the opinions of Kahlo's students, the "Fridos," were similarly known to be unreliable.

Martin's theory is that there is a workshop of at least several people that created the archive. "The perpetrators have constructed all these letters, poems, drawings and recipes, using Frida's biography and her published letters as a roadmap," she wrote this author before the symposium. The items were conveyed to the Noyolas in increments, perhaps because the material was being produced to order. Were such a workshop to exist, it may have produced more material than that owned by the Noyolas. Late last year a journalist for the Colombian magazine *El Gatopardo* went to Mexico City to investigate the Noyola archive. An antique dealer in the Plaza del Ángel showed him a painted box and an oil painting allegedly by Kahlo, and claimed to have hundreds of things he acquired from the artist's photographer.

"'. . . 'If this was not an authentic lens on Kahlo's world then who went to the extreme of constructing such a compelling fictitious archive?' Barbara Levine asked . . ."

Kevin Lippert of Princeton Architectural Press confessed uncertainty about the attribution of the Noyola collection, denied wrongdoing in publishing the objects, and acknowledged that the resultant controversy was driving sales of the book. Tension at the program rose when Oles accused him of irrespon-

"There was an impasse, with both sides entrenched in their positions."

sibly validating a major hoax. Oles tried to put the collection in the context of the history of art fraud, making reference to the famous Dutch forger Hans Van Meegeren who, in the mid twentieth century, forged Vermeers that fooled the experts. Oles then went on to say that he suspects, but cannot prove, that the Noyola collection is the work of multiple hands, possibly even some of Kahlos' former students — the same octogenarians who appear in the Noyola video supporting the works' attribution to Kahlo. An employee of the Noyolas, Jed Paradies — who participated in the panel, and has repeatedly defended the collection on line without disclosing that he is paid by its owners — demanded that Oles cut short his "outrageous" presentation, but Oles was allowed to continue.

Paradies argued that the conservation company that worked on the Dead Sea Scrolls had been paid to examine several items in the Noyola collection and that its report concluded that the works were created during the artist's lifetime. But pressed, he and the Noyolas conceded that the conservator had said only that the materials were consistent with those used during her lifetime. The works could have been made later.

Not one of the experts who doubted the Kahlo attribution altered his or her opinion after examining the two dozen items brought by the Noyolas. (Ironically, although export of Kahlo works requires government approval, an export permit was apparently not required for the collectors to have driven their works from Mexico to Dallas, presumably because the attribution is not yet accepted.)

So there was an impasse, with both sides entrenched in their positions. Martin found the collectors' defense surprisingly "organized and aggressive." "I felt very discouraged after the symposium was over because I realized how futile it is to do battle with the fakers," she wrote. Oles was not surprised that the Noyolas and their San Miguel allies defended the works, but he was "amazed" that the publisher had accepted the dubious material as possibly real. "This is a perversion of Frida Kahlo," wrote Oles, "and it's pernicious because [Kahlo] was complex and there were all these fictions that circulated around her. Scholars are trying to get behind all these scrims, and a book like this muddies the waters … The real problem," he opined for emphasis, "is the absolute lack of professional standards at Princeton Architectural Press, to publish a book about an artist in which not a single leading scholar was consulted."

WHAT HAPPENS NOW?

Carlos Noyola said later that as a Mexican with forty years experience in the art business, he believes the works are by Kahlo and that he knows better than American experts, who, he says, do not love art, do not love Mexico, and are in it for the money. The next step, he agreed, would be to submit the collection to an objective analysis by a museum or university laboratory.[11]

A great deal of money is at stake, but Noyola says that "the collection is not for sale and will not be available for sale in the future." He does admit having sold some ceramics to an unidentified buyer, and at least several letters from the collection to an in-law of Jennifer Church, the author of the 2008 catalogue of the Noyola collection, but he has stated that the sale was rescinded when the buyers discovered that experts doubted that the material was authentic.[12] Noyola also sold a box of around 44 letters and other documents to American collector Graeme Howard in San Miguel. The director of the city's federally dependent Nigromante Cultural Center, Francisco Vidargas, refused to exhibit the material, however, because he doubted its authenticity and felt pressured by the collector; Howard instead mounted an exhibition titled "The secret letters and drawings of Frida Kahlo" in a commercial store called Casa Maxwell in San Miguel in the fall of 2006.[13] At least one publisher in Mexico City, as well as The

[11] Conversation with author, Dallas, February 7, 2010.

[12] Conversation with author, Dallas, February 7, 2010. See also *El Gatopardo*, December 2009-January 2010.

[13] "Frida Kahlo's Secret Letters and Drawings," Casa Maxwell, San Miguel de Allende, Mexico, September 28, 2006 – June 30, 2007.

Alameda National Center for Latino Arts and Culture in San Antonio, Texas, and the University of Arizona Art Museum, also turned down offers to work with the material.

Carlos Phillips Olmedo, (the son of Dolores Olmedo Patiño), who is director of the Frida Kahlo, Diego Rivera and Dolores Olmedo Patiño museums in Mexico City, and head of the executive committee of the Diego Rivera-Frida Kahlo Trust, has denounced the Noyola collection as entirely false. He says the Trust, which represents the artists' legal rights, is considering ways to deal with the rising tide of forgeries, and that it is considering assembling an international committee of experts to act as an authentication board. Their work would be published in various languages with proceeds paying for the ongoing project.[14]

Martin says the field is rife with fakes, a few of which have crept into prestigious exhibitions as part of package loan deals with other crucial works. For example, a painting depicting a fetus attached by an umbilical cord to a dead cactus is on display in the "Frida Kahlo-Retrospective" (April 30 to August 9, 2010) at the Martin-Gropius-Bau in Berlin, labeled "attributed to Frida Kahlo." Interestingly, it does not appear in the exhibition catalogue. The painting, which was purchased by Carlos Phillips Olmedo after his mother's death, is deemed false by Martin, Oles and numerous experts. It was not included in the Kahlo retrospective at Tate Modern (2005) or the travelling show organized by the Walker Art Center (2007-08), though both featured paintings from the Olmedo collection. But it was in the Olmedo collection show at the Musée des Beaux-Arts in Brussels in early 2010.[15] "Ironically, the only 'pure' test seems to be the American resale market," says Martin. "The reputable auction houses and knowledgeable dealers will not knowingly offer fake works. Not to say they can't make mistakes, but the resale market is the acid test."

"Meanwhile, Mexico's Attorney General is midway into an investigation of the Noyola material in response to a criminal complaint filed by the Rivera-Kahlo Trust in September, 2009."

Another irony is that given the market's adoration of Kahlo and the contemporary art world's fascination with archives and appropriation, had the Noyola collection been presented as a conceptual project — titled perhaps "Channelling Frida"— it likely would have been a great critical and economic success.

Meanwhile, Mexico's Attorney General is midway into an investigation of the Noyola material in response to a criminal complaint[16] filed by the Rivera-Kahlo Trust in September 2009. The trust asked the government to bring the unknown forgers to justice. Noyola says that the denunciation was baseless and that he is considering reversing the tables and suing the trust and its administrator, Banco de Mexico, who he says offer no specific evidence of wrongdoing.[17] The federal culture agencies (CONACULTA and INBA) state that they do not issue certificates of authenticity, but courts could impose penalties should the inquiry produce evidence of a crime. The Attorney General's office would not comment on the ongoing inquiry. But according to Noyola, in February, the government sent a photographer to document thousands of supposed Kahlo items in his antique shop. In an email, Noyola writes, "The Ministerio Publico in Mexico City now has a digital archive of the whole collection, and they have begun their investigation. Hopefully all of this will let us reach a consensus here in Mexico, soon."

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14 Sonia Serra, "Frida produce más muerta que viva," *El Universal*, July 10, 2009.

15 "Frida Kahlo y su mundo," Palais des Beaux-Arts, Brussels, January 16 – April 18, 2010.

16 *En el Fideicomiso de los Museos Diego Rivera y Frida Kahlo*, Pgr/Df/Spe-Xxvii/4396/09-09. http://www.presidencia.gob.mx/prensa/?contenido=48620

17 Conversation with the author, Dallas, February 7, 2010.

VERMEER'S WOMEN: DESIRE AND RESTRAINT

An *IFAR Evening*, November 18, 2009

WALTER LIEDTKE*

EDITOR'S NOTE:

The following article is an edited version of an *IFAR Evening* talk presented by Walter Liedtke, Curator of European Paintings at the Metropolitan Museum, and the Museum's specialist for Dutch and Flemish painting. The richly illustrated IFAR talk, given in November 2009 at the Institute of Fine Arts, NYU, coincided with the exhibition "Vermeer's Masterpiece *The Milkmaid*," then on view at the Metropolitan and curated by Mr. Liedtke.

As my title suggests, this discussion focuses on the representation of women in Vermeer's paintings: what the women in his paintings mean to him, as subjects and also as objects of male desire. I will be dealing with content in Vermeer, but content, in its broadest sense, is not limited to a description of the paintings' subject matter or iconography. It encompasses also the artistic correspondences and cultural resonance of Vermeer's women within Dutch society. Whether alone or with suitors, Vermeer's mistresses, maids, young ladies and prostitutes are continually subject to the viewer's scrutiny and desire, as we voyeuristically peer into the domestic spaces they inhabit.

FIGURES 1 and **2** show two very different types of women, although the paintings are separated by only five or six years. *The Milkmaid* **(FIG. 1)**, c. 1657, was painted only about four years after Vermeer's earliest known works, such as *Diana and Her Nymphs*, and, at the most, four years after he joined the guild. He was only about 25. It seems remarkable that the *Young Woman with a Water Pitcher* **(FIG. 2)**, c. 1662, dates to only a few years later, and is so very different in style and the type of figure. One is a kitchen maid, perhaps the humblest figure in Vermeer's entire oeuvre, except perhaps for the waitress or prostitute in the slightly earlier *Procuress*. The figure in *Young Woman with a Water Pitcher*, by contrast, is well-dressed and from an upper-middle-class family.

Vermeer's painting style tends to express the meaning. The kitchen maid seems physically rugged or earthy; she is the most sculptural figure in all of Vermeer's art. Her world is very tactile, as seen in the still-life elements on the table, the crust of the bread, the receding wall and glass. You really sense the architecture of the window on the left in *The Milkmaid*, with a hole at the top right of the window glass, suggesting the brilliance of daylight outside. The depiction of this room

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FIGURE 1. JOHANNES VERMEER. *The Milkmaid,* c. 1657-58. Oil on canvas. 18" x 16 1/8" (45.5 x 41 cm). Rijksmuseum, Amsterdam. Photo: Erich Lessing / Art Resource, NY.

FIGURE 2. JOHANNES VERMEER. *Young Woman with a Water Pitcher,* c. 1662. Oil on canvas. 18" x 16" (45.7 x 40.6 cm). The Metropolitan Museum of Art, New York. Marquand Collection, Gift of Henry G. Marquand, 1889 (89.15.21). Photo © The Metropolitan Museum of Art.

"Figures that might otherwise be just types . . . are transformed by [Vermeer], who has put himself in their place and imagines what they might be thinking and doing."

is very clear — with its geometric space and the different plaster walls, one cool and flaking, the other warm and more frequently lit by the sun.

By contrast, the leaded-glass window in the *Young Woman with a Water Pitcher* appears to float; its place in the wall is not entirely clear. We don't see through it, except at the woman's fingers. This is illogical, and one of the many signs that the illusionistic image is in fact contrived by Vermeer. He does not want us to look out the window, but to focus on the figure. The woman exists in a very narrow middle ground, close to the table and objects in front of her, while the distance between her and the back wall, which we can judge by the chair on the right and the map behind her, seems to have more to do with her in two dimensions than in three. Effectively, she forms a cone placed within three rectangles, and the corner of the room is somewhat ambiguous. She is treated essentially in optical terms at a certain distance, not too far, not too close.

If asked which of these two paintings you as the viewer feel you could enter and touch the objects, or exist in that space yourself without the objects, it is clearly *The Milkmaid.* The *Young Woman with a Water Pitcher* is much more like a vision that we can never quite reach, an optical experience; not quite a mirage, but perhaps a mental image or an idea.

There are also intriguing similarities between these women. Both seem unaware of the viewer; they look downward, with lowered eyelids, somewhat lost in thought. This gives us the status of voyeur, a self-conscious voyeur

who is attracted to the woman, wondering, perhaps, what she's thinking, and at the same time kept at a distance by our own cultivation. I think these paintings are mostly intended for male viewers. There is a play between desire and restraint in response to these women, which seemed appropriate for the title of this talk. Vermeer is remarkable for thinking about what the women might be thinking. Figures that might otherwise be just types — like a kitchen maid or a young woman of good family of marriageable age — are transformed by the artist, who has put himself in their place and imagines what they might be thinking and feeling.

BIOGRAPHY

We will return to these points, but first let us turn to Vermeer's life (1632-1675). His father owned a large inn, with a bar, and perhaps three or four rooms upstairs. Johannes Vermeer and his only sibling, his sister Gertrude, who was eleven years older, grew up in this house, which was located on the central market square of Delft. The Guild of St. Luke was in a building immediately behind it.

Vermeer's father died in debt in October 1652, owing at least two years' annual income to creditors for the inn's mortgage. Vermeer was never able to afford a master teacher; he probably learned the rudiments of art from a simple painter in Delft. This is interesting for his early work, because he seems to review so many options in Dutch painting — different styles, different subjects. A strong teacher might have restricted Vermeer's ability to teach himself.

In 1653, at the age of 21, Vermeer married Catharina Bolnes, who was 22, just slightly older than he. Later that year, he joined the Guild of Saint Luke.

Vermeer converted to Catholicism upon his marriage. Catharina's mother, Maria Thins, was a wealthy Catholic from Gouda, a little north of Delft. She was already 60 in 1653, two generations older than her daughter and Vermeer. She had been formally separated from her husband in Gouda in 1641. This was a rare thing, which had to be granted by the city council, and she had applied for it three times. Her husband was an abusive character who ran a brick factory, and to judge from the records, threw bricks at her, at least metaphorically. It was the judgment of his character that resolved the separation and division of property, and Maria moved to Delft shortly after that, in 1641, and bought a house. She probably knew that there was a clandestine Jesuit church two doors away. Her cousin had owned the house previously; he may even have bought it as an investment on behalf of the Jesuits. Catholics were obligated by the city governments of the Netherlands to worship in private, and so there was no outward sign of this church. There are a number of instances of courtiers from The Hague, the court city only three miles away, being led by Vermeer to this Catholic institution.

Vermeer and Catharina moved into Maria's house shortly after their marriage. There was — apart from Catharina — no one else in Maria's family; her son was in jail, an older daughter had died. This was a modest three-story house, two or three windows wide, located on a narrow street, just off the central market square. Vermeer's studio was in the attic, with north light, looking north in Delft. When we think of *The Art of Painting* in Vienna, the picture of Vermeer's studio, and the world he created in it with the marble tiled floor, the chandelier, the tapestry in the foreground, and the sense of luxury and gentility in the interior, and we compare it with the real conditions of his studio, under attic eaves, with probably a plain wooden floor and a couple of easels, it is remarkable what Vermeer achieved: an image of the nobility of art, which had nothing to do with his circumstances. Vermeer kept that painting in his house to the end of his life. Visitors could actually see the great disparity and think, "This guy's a genius," if he can live in these surroundings with eleven children running in circles downstairs, and yet can imagine his world as we see it in that painting.

Vermeer seems to have taken his new Catholicism seriously, to judge from his children's names and other evidence. Over the next twenty years, at least fourteen children were born, and at Vermeer's death in 1675, at

FIGURE 3. JOHANNES VERMEER. *Diana and Her Nymphs,* c.1653-54. Oil on canvas. 38 ½" x 41 1/8" (97.8 x 104.6 cm). Mauritshuis, The Hague.

FIGURE 4. REMBRANDT VAN RIJN. *Diana and Her Nymphs Bathing with Actaeon and Callisto,* c.1634. Oil on canvas. 29" x 37" (73.5 x 93.5 cm). Museum Wasserburg Anholt, Isselburg, Germany.

the age of only 43, there were still eight girls and three boys alive, and only one of them was out of the house, his daughter Maria, who was married in 1674 at the age of 20.

VERMEER'S ART

The first Vermeer painting, so far as we know, is *Diana and Her Nymphs* **(FIG. 3)**, painted shortly after Vermeer joined the guild, around 1654. Many people know this painting in another state, when it had a blue sky to the upper right. The blue sky was added during the 19th century to cover a wall of vegetation in the background. The rather ambiguous layer of brown paint visible now was added in 1999 to restore the tonal balance of Vermeer's original work. The blue sky is preserved underneath. The original screen of vegetation created a foil for the figure in the right background, who became more prominent when the deep sky behind her was removed. Based on this changed state of the picture, I was able to identify this previously unidentified figure as Callisto, one of Diana's merry band of virgins.

Images of Diana, goddess of the hunt, were popular at the nearby court, where they loved to hunt and show off their knowledge of mythology. In many examples of these scenes, everybody is nude. According to Ovid, one of the girls — Callisto — is very hesitant and evasive, and refuses to take her clothes off in an attempt to hide her pregnancy.

"A comparison of Vermeer's treatment of the picture to Rembrandt's version of the subject, painted 20 years earlier, is instructive."

A comparison of Vermeer's treatment of the picture to Rembrandt's version of the subject **(FIG. 4)**, painted 20 years earlier, is instructive. Rembrandt rather cleverly combines two episodes of the Diana story. A hunter named Actaeon, appearing in the background on the left, sees Diana's girls in the nude. This is absolutely forbidden. Diana, identified by a crescent moon on her forehead, seeks revenge by transforming him into a stag. Actaeon has little horns on his head, and the tragedy that ensues is that his own hunting dogs kill him. On the right, Callisto, wearing a dress, is being held down and stripped by Diana's girls, who will soon discover her swollen belly. Diana will expel her from the merry band, but Jupiter, who had descended to earth (in the form of Diana) to seduce the girl, takes pity on her and transforms Callisto into the constellation of the Great Bear.

FIGURE 5. JOHANNES VERMEER. *Christ in the House of Martha and Mary,* c. 1654-55. Oil on canvas. 63" x 53 7/8" (160 x 142 cm). National Galleries of Scotland, Edinburgh. Photo Credit: National Galleries of Scotland.

FIGURE 6. ERASMUS QUELLINUS II (Flemish, 1607-1678). *Christ in the House of Mary and Martha.* Oil on canvas. 67 ¾" x 95 5/8" (172 x 243 cm). Musée des Beaux Arts, Valenciennes, France. P. 46-1-216. Photo: R. G. Ojeda. Photo Credit: Réunion des Musées Nationaux / Art Resource, NY.

Rembrandt's interpretation (if not his composition) is more traditional, while Vermeer's treatment of the subject is so serious it almost seems religious. Diana, seated in the middle of the scene, appears almost maternal. Only one of her acolytes, a rather Roman figure to the upper left, suggests undress. Another acolyte is ritually bathing Diana's foot, as in a religious ceremony. Vermeer never studied anatomy — that may be part of the reason he avoids nudes: the acolyte to the upper left is the most undressed figure anywhere in his art. But Vermeer's Callisto in the background, who seems to be drawn from everyday life (although the costume is a bit antiquated) and is looking down, ashamed, and protecting her belly with her fists, is a remarkable domestication of the subject.

"Vermeer never studied anatomy — that may be part of the reason he avoids nudes . . ."

The dog and the thistle to the lower left reinforce the theme of virginity. The dog, I believe, stands for fidelity and obedience to Diana, and the thistle is a symbol of the hard or thorny path to virtue. These symbols appear in an engraving in a near contemporaneous book on marriage, *Houwelyck,* by Jacob Cats, depicting a young bride with a dapper gentleman. They are accompanied by several dogs, symbolizing fidelity, and a very large thistle plant on the pathway, indicating that the woman will choose the thorny path of virtue, rather than the easy option of just giving into a gentleman's demands. This moral element, about women in ordinary life and domestic situations, runs throughout Vermeer's work.

The next picture in Vermeer's known oeuvre is probably *Christ in the House of Martha and Mary* **(FIG. 5)** from around 1655, a wonderfully sculptural and powerful painting. In style it owes a great deal to the Utrecht Caravaggisti, above all, Hendrick Terbruggen, the great artist of the 1620s, especially in the sculptural quality of the figure in the foreground and the extraordinary light effects. To see how differently artists rendered the same subject, we can look at the version of this scene by the Flemish artist Erasmus Quellinus **(FIG. 6)**. His painting from the early 1640s is really an elaborate kitchen scene; however, the figure of Christ may have inspired the pose or style of Vermeer's Christ. Vermeer's painting seems rather

FIGURE 7. JOHANNES VERMEER. *The Procuress,* 1656. Oil on canvas. 96 ¼" x 51 1/8" (143 x 130 cm). Gemäldegalerie Alte Meister, Staatliche Kunstsammlungen, Dresden, Germany. Inv. 1335. Photo: Elke Estel / Hans-Peter Klut. Photo Credit: Bildarchiv Preussischer Kulturbesitz / Art Resource, NY.

FIGURE 8. DIRCK VAN BABUREN (Dutch, c. 1594/95 -1624). *The Procuress,* 1622. Oil on canvas. 40" x 42 3/8" (101.6 x 107.6 cm). Museum of Fine Arts, Boston.

FIGURE 9. Detail of Vermeer's *Procuress* showing coin being handed to the woman.

Flemish in its rhythms and outlines of drapery, but it is also very much a Dutch picture in its sculptural qualities and in its concentration on the figure of Mary listening to the words of Christ, and Martha in the background serving bread to their unknown guest. According to the biblical story, when Martha complains about Mary not helping out in the kitchen, Christ tells her that, "Mary has chosen the better part," the spiritual realm rather than the mundane things of the house.

This was a popular subject in the Netherlands among both Catholics and Protestants. Anyone who felt the tension between spiritual values and the simple business of everyday life might be interested in a picture like this one. The subject also would have had resonance with Vermeer, since Maria was the name of both his mother-in-law and of his first child. Although the painting could be an homage to his mother-in-law, it would certainly also have been a picture that Vermeer could have sold, but we do not know the first owner.

GENRE SCENES

The first known genre scene by Vermeer is rather surprising: *The Procuress* **(FIG. 7)**, a large four-foot-wide picture dated 1656. This is a rare case in Vermeer of a dated picture. This painting recalls Dutch Caravaggesque scenes of mercenary love like *The Procuress,* painted by the Utrecht painter, Dirck Baburen, in 1622 **(FIG. 8)**. Vermeer's mother-in-law actually owned this work or a version of it, which depicts an old procuress and a prostitute playing a lute — suggesting the many entertainments on offer, with a rakish customer in the background. "Lute," not incidentally, was improper

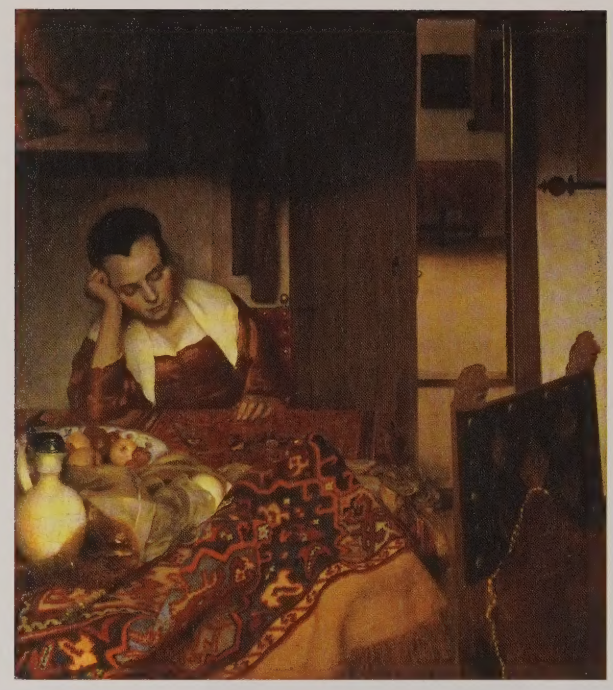


FIGURE 10. JOHANNES VERMEER. *A Maid Asleep,* c. 1657. Oil on canvas. 34 ½" x 30 1/8" (87.6 x 76.5 cm). The Metropolitan Museum of Art, New York. Bequest of Benjamin Altman, 1913. (14.40.611). Photo © The Metropolitan Museum of Art.

FIGURE 11. NICOLAS MAES (Dutch, 1634-1693). *The Eavesdropper,* 1657. Oil on panel. 37 ½" x 48" (95.5 x 122 cm). Loan of Instituut Collectie Nederland, Rijswijk/Amsterdam to the Dordrechts Museum, Dordrecht, The Netherlands.

FIGURE 12. Detail of Vermeer's *A Maid Asleep* showing fragment of a painting of Cupid.

slang for a woman's private parts. In the area of South Holland where Delft is, this kind of picture was quite popular, reflecting the international taste of the court at The Hague.

The space and the light in the left side of Vermeer's picture seem different from that on the right. The laughing figure on the left, who looks out and grabs our attention, may be a self-portrait of the artist. Often in genre paintings like this the artist throws his own image into the picture as a bit of added comedy. We don't know what Vermeer looked like, but we see him in a similar costume, from behind, in *The Art of Painting.* The laughing figure is clearly a companion of the man in red who is flipping a coin into the girl's hand **(FIG. 9)**. She is probably not simply a prostitute, but a waitress who performs services upstairs as well as in the bar, a common scenario in inns of this period. The white cloth at her waist is probably her apron, suggesting that she's just been invited to sit down at the table. Perhaps the young man had been whispering to the procuress to bring the waitress over to him.

After this picture was cleaned, I began thinking about its motifs afresh. I realized that the neck of the cittern — the guitar-like instrument — together with the beer glass, makes an improper gesture, seemingly referring to the commercial transaction taking place. This would explain the naughty grin of the figure on the left. X-rays reveal that the procuress, now looking at the young man, reassuring her customer, originally stared down at the coin in his hand, and that there was already one coin *in* the girl's hand. Vermeer later modified that figure to make the circumstances a little less obvious.

While *The Procuress* is based on earlier pictures in Dutch art, *A Maid Asleep* **(FIG. 10)** is the first scene from everyday life in Vermeer's work. His earlier

FIGURE 13. JOHANNES VERMEER. ***Girl Reading a Letter by an Open Window (The Letter Reader)*****, c.1659. Oil on canvas. 32 5/8" x 25 3/8" (83 x 64.5 cm). Gemäldegalerie Alte Meister, Staatliche Kunstsammlungen, Dresden, Germany. Inv. 1336. Photo: Elke Estel / Hans-Peter Klut. Photo credit: Bildarchiv Preussischer Kulturbesitz / Art Resource, NY.**

FIGURE 14. GERARD TER BORCH (Dutch, 1617-1681). ***A Young Woman at Her Toilet with a Maid,*** **c. 1650-51. Oil on panel. 18 ¾" x 13 5/8" (47.6 x 34.6 cm). The Metropolitan Museum of Art, New York. Gift of J. Pierpont Morgan, 1917 (17.190.10).**

women are convincing enough — servants, Mary and Martha, the acolytes of Diana, the waitress in *The Procuress* — but the dozing maid seems to be a real person. There has been some debate about her character. She was described as a "tipsy, sleeping maid" by a notary in Amsterdam when this picture was sold at auction in 1696. And although the notary had no connection to Vermeer, he seems to have understood the painting at a time when even the local tabloids complained about maids who would dress up such that you could not tell them from their mistresses. The maids were said to be on the make with gentlemen from out of town, to supplement their income, or whatever. In fact, although the maid in this picture is wearing rather proper attire, the opening of her collar, her rather long earrings, and the impossibly large beauty mark near her eye, which is actually a kind of cardboard patch stuck to the side of her face, would have suggested a cheap, overdressed look to the viewer of the day.

"Vermeer loves this psychological play between restraint . . . and the temptation presented by the young woman . . ."

Vermeer was inspired by subjects like Nicolaes Maes' *The Idle Servant* of 1655 and *The Eavesdropper* of 1657 **(FIG. 11)**. In the background of *The Eavesdropper,* a man is speaking to a maid. It is clear from his costume that he's a gentleman who has come to visit the polite company upstairs. So there is a social disparity between the man who is visiting and the maid. I think that is true for the viewer, too. The man who is looking at Vermeer's picture — the viewer — is effectively an intruder who doesn't belong there, who is held at a distance by the objects in the foreground. X-rays of this picture show that there originally was a man in the back room, and a dog looking at the man. The dog

FIGURE 15. Detail of Vermeer's *The Milkmaid* (FIG. 1), showing the wall tile and footwarmer.

FIGURE 16. GERRIT DOU (Dutch, 1613-1675). *A Young Woman at a Well*, c. 1650-55. Oil on wood. 11 ¼" x 8 ½" (28.5 x 21.5 cm). Öffentliche Kunstsammlung, Basel.

was not a symbol of fidelity, but, rather, of animal-like behavior, the single-minded satisfaction of appetites. In the final version, above the woman, we see just a fragment of a painting of Cupid (FIG. 12), which we recognize from other pictures by Vermeer. This stands for Cupid, or love, unmasked, and explains the expression on the maid's face. There is a simultaneous sense of exclusion and inclusion — a pull into the picture, namely, the desire of the voyeur who stumbles upon this scene, but at the same time is excluded. Vermeer loves this psychological play between restraint, whether it is the gentleman's own ethics or simply the physical impediments in the room, and the temptation presented by the young woman, who is clearly dreaming about love. For a man, this is exciting: to look at a woman who doesn't know you are looking at her when you know that she is thinking about love, even if it is love for another man. This is a psychological idea that Vermeer employs in several of his pictures from this one onward.

Another work dating around this time — 1657 — is *The Letter Reader* (FIG. 13). It is one of four pictures painted about then — *The Letter Reader, A Maid Asleep, The Milkmaid,* and *Cavalier and Young Woman* (also known as *Officer and Laughing Girl*) — which differ considerably in style. This suggests that Vermeer was trying out different styles during this period. The figure in *The Letter Reader* is inspired by Gerard ter Borch (FIG. 14), while the composition was inspired by the illusionism of the Leiden painters, Frans van Mieris and Gerrit Dou. In Vermeer's painting, a woman stands before a window holding a love letter in her hand, and her reflection is visible in the window panes. Vermeer originally depicted her somewhat turned away from the viewer, like many of ter Borch's figures. At some point, however, Vermeer repainted her in pure profile, but her reflection in the window still reflects her previous position. As in *A Maid Asleep*, Vermeer added a table to act as a barrier in the foreground, while the illusionistic curtain recalls the kind of curtain that actually covered some Dutch pictures at the time.

The Letter Reader is haunting when you see it in person, but when you see it reproduced you can sense that different elements, like the receding window, which doesn't quite meet the back wall, and the table in the foreground, are put together like pieces in a puzzle. X-rays help reveal how Vermeer found his way towards this solution. In the original version, Vermeer included a large beer glass in the immediate foreground, suggesting a male presence, and instead of the curtain, the same painting of Cupid from *A Maid Asleep* hung in the background. Vermeer painted this out, and closed the very tall composition to focus our attention on the young lady within that narrow space, who is concentrating on a love letter from an unidentified man. The still life in the foreground also provides insight into the scene. The Chinese bowl of fruit suggests a cornucopia of sensual delights or, perhaps, even the Garden of Eden, and the open peach in the foreground seems a very sensuous and feminine form.

Ter Borch is one of the few painters who shared Vermeer's interest in the character of women, and, in his paintings, we see the same subtle psychology that you find in pictures by Vermeer. It is interesting that both these artists lived in a world of women. Vermeer's household was dominated by his wife and strong-willed mother-in-law, while ter Borch had three sisters

FIGURE 17. JOHANNES VERMEER. ***Officer and Laughing Girl (Cavalier and Young Woman),*** **c. 1657. Oil on canvas. 19 7/8" x 18 1/8" (50.48 x 46.04 cm). Frick Collection, New York. Henry Clay Frick Bequest (1911.1.127). Photo © The Frick Collection.**

FIGURE 18. JOHANNES VERMEER. ***The Glass of Wine,*** **c. 1661-62. Oil on canvas. 26 1/8" x 30 1/8" (66.3 x 76.5 cm). Gemäldegalerie, Staatliche Museen, Berlin. Inv. 912C. Photo: Bildarchiv Preußischer Kulturbesitz / Art Resource, NY.**

who served as models in his paintings. Ter Borch's *Curiosity,* at the Metropolitan Museum, depicts a young lady who has received a love letter, while her more experienced companion is answering it for her. The mastery of acceptable norms of etiquette was an aspect of breeding of young ladies, and ter Borch's sympathetic portrayal of women reflects his own experience living in a house with a few young women of marriageable age.

THE WOMEN

When we come to *The Milkmaid* **(FIG. 1)** and later paintings, we have no further sense of Vermeer's reliance on sources in other works of art, although they certainly exist. Neither do we see compositions that are pieced together in the manner of *The Letter Reader.* On the contrary, the composition of *The Milkmaid* is very carefully designed as a monumental triangle within a rectangle. The vanishing point, located above the woman's right hand, makes you feel that you are seated in the foreground with the milkmaid towering over you. The exquisite relationships of contour, shapes and textures reveal great sophistication.

The woman in *The Milkmaid* is, of course, a kitchen maid, from a very different class than the person who would own such a picture. I have suggested a romantic theme for this painting based upon the presence of the Cupid tile in the background, a tile with a male figure, and the foot warmer, which in Dutch art frequently suggested warm physical feelings **(FIG. 15)**. While the milkmaid is shown performing a routine task, her mind is on her emotional life, perhaps thinking of a past, or possibly a future, boyfriend. If that is not true, she is the only milkmaid, or kitchen maid, in Dutch art for which this is the case. Joachim Wtewael's *Milkmaid* of around 1610, for example, a more typical treatment of the subject, shows a pretty kitchen maid suggestively jamming a chicken on a spit and gazing out at the viewer, while still life elements in the painting, like the cucumber, suggest carnal knowledge.

Similarly, a print by Jacob de Gheyn from around 1610 depicts a milkmaid with two pails of milk on a yoke, while a man, probably a mercenary soldier, takes aim at the viewer like a kind of grown-up Cupid. An amorous pair in the background, the man's prominent codpiece and the fact that the milkmaid is wearing the man's hat, make the meaning very clear. An inscription on a similar print plays on the slang Dutch word "melken," to milk, which in the 17th century also meant to seduce or allure.

A more genteel treatment of the subject is Dou's *Young Woman at a Well* **(FIG. 16)** depicting a young maid in a kitchen courtyard looking pleasantly out at the viewer.

FIGURE 19. JOHANNES VERMEER. *Young Woman with a Wineglass,* c. 1659-60. Oil on canvas. 30 ½" x 26 ¼" (77.5 x 66.7 cm). Herzog Anton Ulrich Museum, Braunschweig, Germany.

FIGURE 20. JOHANNES VERMEER. *Woman with a Lute,* c. 1662-63. Oil on canvas. 20 ¼" x 18" (51.4 x 45.7 cm). The Metropolitan Museum of Art, New York. Bequest of Collis P. Huntington, 1900 (25.110.24). Photo © The Metropolitan Museum of Art.

The objects in the foreground, however, including the carrots, a wooden yoke standing vertically, and pitcher (considered at the time not just a symbol of female of parts but a reasonable medical model of female reproductive organs) support an amorous reading of the image. To a connoisseur of Dutch art who knows this tradition, Dou's painting would seem to be a more refined treatment of scenes he knows in naughtier form.

Vermeer could rely upon his viewer to understand the bawdy overtones of everyday objects, meanings that today are buried in the past of Dutch art. In my opinion, Vermeer's *Milkmaid* represents the subtlest, most discreet example of this tradition. It hints at romance in the background tiles — showing Cupid taking aim at a man, with a coal pot (foot warmer) between them — to give the viewer some notion of the milkmaid's thoughts. For the first time, the kitchen maid is not just a type, but someone who has an emotional and mental life of her own.

In an earlier state, *The Milkmaid* showed a basket of laundry and the mantle of a fireplace in the background. Vermeer painted these details out so that there would be nothing against the beautifully reflective white wall except the magical passage of the foot warmer and the tiles in the sunlight. An engraving that we reproduced in the catalogue of the "Vermeer's

FIGURE 21. JOHANNES VERMEER. *A Woman at the Virginal with a Gentleman (The Music Lesson),* c. 1662-63. Oil on canvas. 29 3/8" x 25 ¼" (74.6 x 64.1 cm). Royal Collection, Her Majesty Queen Elizabeth II. Ann Ronan Picture Library, London, U.K. Photo: HIP / Art Resource, NY.

Masterpiece *The Milkmaid*" exhibition reinforced this painting's theme of distraction by love. A verse under the engraving — which showed a woman with needlework and a cupid beside her — said: "I've got all of these household chores to do but I can't get anything done; all I can think of is love."

COURTSHIP SCENES

Vermeer painted a number of courtship scenes. One of them, *Cavalier and Young Woman* **(FIG. 17)** was painted about 1657. Men don't seem to have independent personalities in Vermeer's paintings. Apart from *The Geographer* and *The Astronomer,* painted later in his career, which were probably commissioned by someone interested in geography, Vermeer's men are always shown in the presence of women. Their usual role is to serve as surrogates for the male viewer. Alternatively, they depict men who are less subtle in their behavior toward women than the viewer himself. There is nothing mercenary about this particular courtship scene. On the contrary, the relationship between the man and woman seems to be a play on the theme of Venus taming Mars. Viewed in this light, Vermeer's painting offers a parallel to Dutch society at the time when, following the 1648 truce ending the Thirty Years War, the newly independent Netherlands entered a period of prosperity.

There is a wonderful play of body language in this painting. The woman is leaning a little forward while the cavalier is leaning stiffly back, and the vanishing point, located on the tip of his nose, gives her an additional thrust forward. The man is big and domineering, even a little threatening in his silhouette, and yet, the way he seems to lean a little back, pretending to be cocky and confident, reads as rather stiff. The young lady, however, who is looking the man in the eye, rhetorically making some point with her hand and smiling into his face, appears totally relaxed.

Vermeer combines different formal sources in this picture. The idea of silhouetting a figure in the foreground comes from the Dutch Caravaggesque painters, but the room probably has more to do with Pieter de Hooch, who had been painting these types of interiors for a number of years. Vermeer drew from these different sources and put different artistic ideas together; but whatever he borrowed, he also tested against the way things really looked in his studio. In this way, Vermeer achieved the light effects, like the play of light on the leaves decorating the man's hat in this painting, and the strong contrast of light and shadow that we see in *The Milkmaid.*

Vermeer's paintings from about 1658, *The Glass of Wine* **(FIG. 18)** and *Girl Interrupted at Her Music,* are his most mature and de Hooch-like interiors. *The Glass of Wine* gives the viewer no sense of narrative, but rather presents an emotional encounter. As is often the case in Vermeer's paintings, the objects in the room explain actions that happened in the immediate past. For example, the chair with the cittern and music has been shoved to the corner of the table, and the spill of music books on the far side of the table suggest that the man had been serenading her, but that she would not participate. This interpretation is reinforced by her erect posture and uptight pose. She seems uncomfortable with the obligatory ritual of courtship that perhaps her parents have urged upon her. Following the failed serenade, the man has gone around the chair to pour her some wine, and you feel that as soon as she gets to the bottom of that, he is going to pour another glass. This is wonderfully expressed by the drapery in front of the man, which rhythmically links the pitcher and the glass. Also, the way he is standing a little too close to her, with her seated so much below him, seems threatening. The dark forest scene on the wall in the background adds to the feeling of menace, since forests were frequently seen as threatening places.

This painting is closely related to a much less subtle courtship scene, *Young Woman with a Wineglass* **(FIG.19),** from around 1659, in which a wretch of a man eagerly offers a rather ditzy-looking girl a glass of wine, while she, clearly embarrassed and uncomfortable, looks out at the viewer. In contrast to the prim young woman who shuns her suitor in *The Glass of Wine,* this girl is a silly goose who doesn't know how to fend off ganders. In the background, a portrait of an august-looking man, possibly an ancestor, suggests gentility, quite in contrast to the giddy figures in the

FIGURE 22. JOHANNES VERMEER. ***Woman in Blue Reading a Letter,*** **c. 1663-64. Oil on canvas. 18 3/8" x 15 3/8" (46.6 x 39.1 cm). Rijksmuseum, Amsterdam.**

scene. This painting is more obvious in subject matter than is usual in Vermeer, and was perhaps painted for the open market.

A number of Vermeer's pictures, including *A Maid Asleep, The Milkmaid,* and *Cavalier and Young Woman,* were done for a single patron in Delft named Pieter van Ruijven. He began buying works by Vermeer in 1657, and over the next fourteen years, he bought twenty-one of them. It is extraordinary to think of more than half of Vermeer's known work in a single house in Delft. But this is important for the meaning of the work: Vermeer knew the patron and his tastes. Van Ruijven could compare treatments of related themes, and while I don't think he commissioned these paintings or told Vermeer what subjects to paint, he probably had the right of first refusal.

The Metropolitan Museum's *Young Woman with a Water Pitcher* **(FIG. 2)**, of about 1662, was also owned by Pieter van Ruijven. It is an intangible image of an ideal woman in an ideal home. The pitcher and basin, perhaps symbols of purity, are next to a symbol of vanity, the jewelry box. There is no narrative, and, although the woman is wearing a luxurious dress and the scarves that she's wearing over her head and shoulders would only be worn during her morning toilet, she doesn't seem to be there physically. She exists at a distance — something in the imagination of a man.

In the *Woman with a Lute* **(FIG. 20)**, on the other hand, a picture that does not occur in Van Ruijven's inventory and that was probably painted about a year later, in 1663, the woman looks eagerly out the window, perhaps in expectation of a male visitor. The viola da gamba on the floor in the foreground, which is no longer easily visible because of the darkening of the paint, and the flow of songbooks on the tabletop, suggest a musical courtship. A man will likely come and pick up the viola, and they will play music together. There is a hint in the twisting of the tuning knob on the lute that temperance would be a good idea; it is a discreet and intellectual symbol of tempering your emotions, while a colossal imitation pearl earring, symbol of Venus, is on her ear. This is surprisingly obvious symbolism for a work by Vermeer.

The Music Lesson **(FIG. 21)** is another case of a courtship scene, which includes a man, who has Vermeer's usual point of view (looking at the woman from the side). Tantalizingly, we see a large, blurry image of her reflected in a mirror and a hint of Vermeer's own easel in the background. Again, there is a suggestion of what was going on before; perhaps the man was playing the bass violin; now he's singing, his mouth slightly open. Behind him is a painting of *Roman Charity* (by Dirck van Baburen), showing a partially naked man with his arms tied behind his back. It is an analogy for the emotional hold that this young lady has on the man. And yet the suitor is restrained by the conventions of his time, by the proper behavior of a wealthy young gentleman with a fancy sword and a cane. There is a push and pull, and for us, part of the pull is the very deep space, which allows us to feel that we have entered the hallway of a grand house; no one knows we are there, and we are watching this scene of love from a distance.

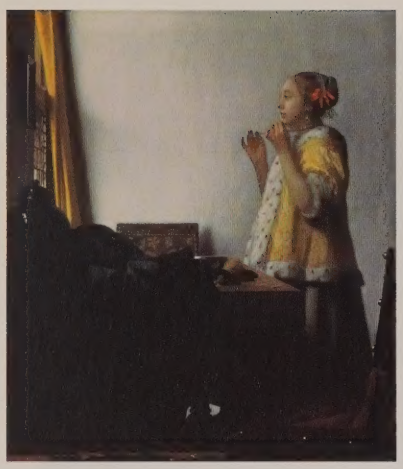


FIGURE 23. JOHANNES VERMEER. *Woman with a Pearl Necklace*, c. 1663-64. Oil on canvas. 20 1/8" x 17 ¾" (51.2 x 45.1 cm). Gemäldegalerie, Staatliche Museen Preußischer Kulturbesitz, Berlin, Germany. Inv. 912B. Photo: Joerg P. Anders. Photo credit: Bildarchiv Preußischer Kulturbesitz / Art Resource, NY.

FIGURE 24. JOHANNES VERMEER. *A Lady Writing*, c. 1665-67. Oil on canvas. 17 11/16" x 15 11/16" (45 x 39.9 cm). National Gallery of Art, Washington, DC. Gift of the Havemeyer family in memory of Horace Havemeyer. (1962.10.1). Photo © National Gallery of Art.

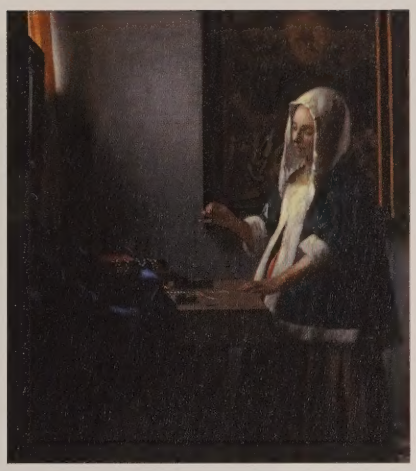


FIGURE 25. JOHANNES VERMEER. *Woman Holding a Balance*, c. 1663-64. Oil on canvas. 15 5/8" x 14" (39.7 x 35.5 cm). National Gallery of Art, Washington, DC. Widener Collection. (1942.9.97). Photo © National Gallery of Art.

THE LATE WORKS

In his paintings of the mid-1660s, Vermeer occasionally depicts women absorbed in a simple task, and his focus is on the young woman's character. In his *Woman in Blue Reading a Letter* **(FIG. 22)**, we have the same theme as in the Dresden painting **(FIG. 13)**, but now there is no Cupid on the back wall or fruit dish in the foreground. I don't believe that the letter she is reading has "just come in the door and interrupted her morning toilet," as one writer has suggested. I think, on the contrary, that this is a precious letter, perhaps received some time ago. She is reading it again and is lost in its words. That is all it is for Vermeer, and that is enough.

In *Woman with a Pearl Necklace* in Berlin **(FIG. 23)**, the woman is looking at a mirror high on the wall, with a few luxury objects, including pearls, on the table beside her. In an earlier state of the picture, there was a cittern on a chair in the foreground.[1] The chair is still there, but the instrument is gone, creating space which would invite a man to sit down and romance the young lady. Originally, there was also a map on the wall. How much more evocative the picture becomes when Vermeer edits himself and creates that bare, very pregnant space between the woman and the mirror, the woman totally lost in satisfaction with her own appearance!

"Pregnant space may suggest thoughts of pregnancy, but I don't think there is such a thing in Vermeer, and probably not in Dutch art."

Pregnant space may suggest thoughts of pregnancy, but I don't think there is such a thing in Vermeer, and probably not in Dutch art. A costume specialist in the Netherlands has come up with one or two examples of pregnant women illustrated in Dutch art, but they are very exceptional; you never find pregnancy in formal portraits. A bell-shaped jacket was fashionable at this period, and the fecundity of a woman was a very appealing thing. The jacket was actually cut down, and originally flared more in the back. Women would wear two skirts, and the outer skirt would come up under a belt, which was tied, and the skirt would fold over it. So a big roll of cloth supported the bell-shaped velvet or satin jacket. That was a desired silhouette at the time. Pregnancy was not the subject, although

[1] The changes are visible in an autoradiograph that is reproduced as Fig. 18a in Walter Liedtke, *Vermeer: The Complete Paintings* (Antwerp: Ludion, 2008), p. 116.

FIGURE 26. JOHANNES VERMEER. *Mistress and Maid*, 1666-67. Oil on canvas. 35 ½" x 31" (90.17 x 78.74 cm). Frick Collection, New York. Henry Clay Frick Bequest (1919.1.128).

FIGURE 27. JOHANNES VERMEER. *Young Woman Standing at a Virginal*, c. 1670-72. Oil on canvas. 20 3/8" x 17 ¾" (51.7 x 45.2 cm). National Gallery, London, U.K. Purchased in 1892 (NG1383). Photo © National Gallery, London / Art Resource, NY.

Vermeer's wife must have been pregnant much of the time.

"I don't like the word "timeless" in Vermeer: these pictures are very much of their time, of their place. Nevertheless, Vermeer does capture one single moment of vision, a moment suspended . . ."

A Lady Writing in Washington **(FIG. 24)** is a surprising twist on letter themes in Vermeer. She is now a more mature woman, perhaps someone that Vermeer knew (but certainly not a portrait), presumably writing a love letter. On the table are pearls, a beautiful jewelry box, a fancy writing set, and, in the background, a still life of a big viola, as if to remind us of courtship and romance. She looks frankly at us, as if she knows us, but she is not writing a letter to *us*. This is another variation on the letter-writing theme, which is very different than the tender and more innocent young ladies that Vermeer painted earlier on.

Woman Holding a Balance **(FIG. 25)**, also in The National Gallery, is a special case. The woman is weighing the gold coins in the foreground (not the pearls), although the scales themselves are empty. A stack of weights is next to the coins. She steadies herself on the edge of the table as she tests the trueness of the balance. She is oblivious at this moment to the picture on the wall, which is a Last Judgment, without St. Michael, but, in a way, she is a surrogate for him, so there is an underlying sense of religious or spiritual weighing. This work is about temperance, but treated with great originality. We have an everyday depiction of what is essentially an allegorical idea, as subtle as the tuning peg in *Woman with a Lute* **(FIG. 20)**. Other artists who treated the subject, such as Jan van Hemessen, were more obvious, with weights for the scale, a luxurious gold cup, and a woman looking out at us in a come-hither way.

The Frick Collection's *Mistress and Maid* **(FIG. 26)** includes the most realistic female figure in all of Vermeer's work, the maid on the left. The mistress of the house, however, beautifully dressed while writing a love letter, is so idealized — she looks like marble — that the play between the two figures is quite extraordinary. In the dark background, and to

FIGURE 28. JOHANNES VERMEER. *Young Woman Seated at a Virginal,* c. 1670-72. Oil on canvas. 20 ¼" x 17 7/8" (51.5 x 45.5 cm). National Gallery, London, U.K. Salting Bequest, 1910 (NG2568). Photo © National Gallery, London / Art Resource, NY.

FIGURE 29. JOHANNES VERMEER. *Girl with a Pearl Earring,* c. 1665-67. Oil on canvas. 17 ½" x 15 3/8" (44.5 x 39 cm). Mauritshuis, The Hague. Photo: Scala /Art Resource, NY.

some extent also in the concentration on the figures, Vermeer is following a trend of the time. Think of Rembrandt's *The Jewish Bride* (Rijksmuseum) — dark backgrounds and two figures presented half- or three-quarter-length in a composition.

One more comparison — a late pair of paintings in London: *Woman Standing at a Virginal* **(FIG. 27)** and *Woman Seated at a Virginal* **(FIG. 28)**. They form a good girl/bad girl contrast. *The Woman Standing* is the good girl, with Cupid behind her holding a card from the deck of destiny, as it were, that suggests that you should have just one lover in your life. The rocky landscape on the virginal and another rocky landscape on the wall suggest the path of virtue. Everything else in the picture is delicate — the beautiful, crystalline light, the bows and details of her dress, and the very subtle marbling on the edge of the virginal. In contrast, the *Woman Seated at the Virginal* looks out at us in a darker, boudoirish kind of light. Hanging on the back wall is the Baburen *Procuress* that Vermeer's mother-in-law owned. The fancy tapestry, and the invitation to a man to pick up the bass violin in the foreground, reinforce the theme, as does the landscape on the lid, next to a jazzy treatment of marbling on the edge of the virginal. It is a pastoral landscape, suggesting the easy path of pleasure.

We will conclude with one of Vermeer's *tronies*, or faces, which are not portraits but are nonetheless probably based on real people: intriguing young women whose character and attire are fascinating. You can't look away from them. They do not wear everyday dress and they look directly at us, seemingly interested in what we are thinking. The best known of these is *Girl with the Pearl Earring* **(FIG. 29)**. Notice the way the pearl sits in the center of shapes, and the eyes resonate with the white collar. I don't like the word "timeless" in Vermeer: these pictures are very much of their time, of their place. Nevertheless, Vermeer does capture one single moment of vision, a moment suspended, and it becomes something like a memory, a vision, something seen for perhaps five seconds in your past and never to be seen again. But you can see it in Vermeer's painting, and that is one of the many reasons why his paintings are so haunting.

• • •

Scenes from the *IFAR Evening*

VERMEER'S WOMEN

LEFT TO RIGHT: David Coiro, Xixi, Errol Rudman, and Marta Grigorieva.

Virgilia Klein, IFAR board member, and Walter Liedtke.

David Coiro and Lisa Hahn.

Lawrence Steigrad and Egbert Haverkamp-Begemann, IFAR Art Advisory Council member.

Harold Bruck and Walter Liedtke.

Marie-Hélène Weill.

Photos these pages: Sara Cedar Miller

David Nash and Judith Hernstadt.

Helaine Fendelman and Jane Willis.

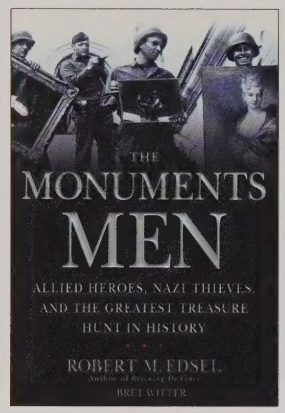
Sully Bogardus and Antonia Dubrul.

LEFT TO RIGHT: Carmen Dubroc, Lewis Haber, Nancy Schwartz, and Michael Rubenstein.

Vivian Ebersman and Roberta Hartog.

BOOKS ON WORLD WAR II'S LEGACY IN ART AND LAW

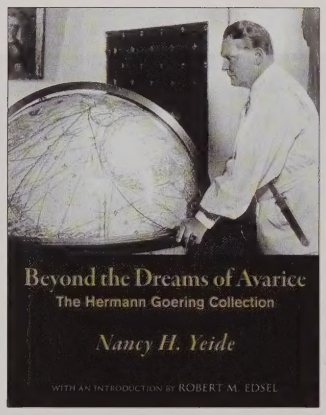
LUCILLE ROUSSIN*



The Monuments Men: Allied Heroes, Nazi Thieves, and the Greatest Treasure Hunt in History

ROBERT M. EDSEL WITH BRET WITTER

Center Street, New York, 2009.
Hard cover: 473 pp.; List Price: $26.99 USD
ISBN 978-1-59995-149-2



Beyond the Dreams of Avarice: The Hermann Goering Collection

NANCY H. YEIDE

Laurel Publishing, Dallas, 2009.
Hard cover: 518 pp. Including illustrated catalogue and provenance of paintings in the Goering Collection; List Price: $250 USD
ISBN 13 978-0-97743-4349-1-9

THE MONUMENTS MEN

Serendipity is not a word often associated with historical studies, but in the case of Robert Edsel, it is entirely appropriate. While living in Florence he happened to read Lynn Nicholas's authoritative book, *The Rape of Europa,*[1] which changed his life. Since then, he has become the most important advocate of the "Monuments Men," the officers of the U. S. and Allied armies who became responsible for the collection, study and restitution of the thousands of art works looted by the Nazis in WWII.

Edsel's first book, *Rescuing Da Vinci: Hitler and the Nazis Stole Europe's Great Art; America and Her Allies Recovered It,*[2] was lavishly illustrated with photographs that recounted the history and accomplishments of the unlikely group of men and women tasked with the identification of the thousands of artworks retrieved by the U. S. armed forces and their restitution to their

* Lucille Roussin, Ph. D. , J. D. , is founder and director of the Holocaust Restitution Claims Practicum at the Benjamin N. Cardozo School of Law in New York City, where she teaches a seminar, Remedies for Wartime Confiscation. She also teaches a course on "Art, the Law and Professional Ethics" at the School of Graduate Studies at the Fashion Institute of Technology.

1 Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Alfred A. Knopf, 1994).

2 *Rescuing Da Vinci: Hitler and the Nazis Stole Europe's Great Art; America and Her Allies Recovered It* (Dallas: Laurel Publishing, 2006). See the review of this book by this author in *IFAR Journal,* Vol. 9, no. 2, (2007), p. 34.

countries of origin. Now his second book is dedicated to the history of those soldiers who became the Monuments Men, and their backgrounds and accomplishments. Drawn from materials never before published — from archives and from interviews with the surviving Monuments Men and their relatives — this book relates the history of the Monuments Men in a compelling narrative, which, in contrast to *Rescuing Da Vinci*, is embellished with only 16 black and white illustrations.

For anyone who remembers William L. Shirer's groundbreaking book, *The Rise and Fall of the Third Reich*,[3] *this* is the rest of the story. The extraordinary history of this special group of men (and women!) from 13 nations who volunteered to join the armed forces in this special capacity has never been told in such an interesting and thoroughly readable fashion. In five major sections encompassing 54 forceful and concise chapters, Edsel recounts how the idea of a group of "special workmen" who could safeguard art during wartime upheaval came about. Its impetus was a December 20, 1941 meeting at The Metropolitan Museum of Art that included many members of the Association of Art Museum Directors. Paul Sachs, director of Harvard's Fogg Art Museum, with the help of George Stout, head of the Fogg's Department of Conservation, made a presentation highlighting the predicament of art in Europe under the Nazi advance. A few months later, in the summer of 1942, Stout issued a pamphlet entitled, "Protection of Monuments: A Proposal for Consideration During War and Rehabilitation," which was sent to the U. S. Government. In it he advocated the safeguarding of monuments during war and the creation of a corps of "Special Workmen" schooled in art history and art conservation to handle it.

The first section of Edsel's book relates the difficulties of those museum directors and others who advocated this special corps. Edsel also outlines the initially opposing views of Stout, who wanted the "special workmen" to be trained in art conservation and working through the army" (p. 28), and the museum directors, who wanted President Roosevelt to appoint a high level cultural committee to advise the military. But the efforts of both groups were pushed aside. Why? Because in the early stages of the war, the military establishment had no idea of what a bunch of art historians could possibly add to the war effort.

Although in the fall of 1943 the idea of a Monuments and Fine Arts and Archives unit appeared to be a dead issue (p. 52), at the very same time, President Roosevelt was forming the American Commission for the Protection and Salvation of Artistic and Historic Monuments, better known as the Roberts Commission, after its Chairman, Supreme Court Justice Owen J. Roberts. The Commission's purpose, among other tasks, was to coordinate with a British Commission to form a unit of art experts, chosen from among experts already in the armed forces, to serve as officers in a newly created Monuments and Fine Arts and Archives (MFAA) unit (p. 51f.). As Edsel records, "it is doubtful the U. S. Army would have tolerated the MFAA if not for the prestige of the Roberts Commission" (p. 53). But the formation of the MFAA was not enough to preserve the Abbey of Monte Cassino, founded in 529 A. D. by St. Benedict, just 80 km southeast of Rome. As Edsel writes (p. 52), there were no Monuments Men north of Naples when the decision was made to destroy the abbey at the top of a commanding hill, rather than risk troops storming it.

Throughout the first section, Edsel inserts translations of Nazi letters and documents that lend the history he is relating an air of urgency. He concludes this section with General Eisenhower's well-known 1944 order to the American Forces on the need to "protect and respect" historical monuments and cultural centers, unless their destruction was judged a "military necessity" (p. 63).

Section II of the book deals with the Nazi looting, the search for the looted works, and their recovery in Northern Europe. Section III, "Germany," is full of information that I was not familiar with — largely from letters and reports filed by the MFAA team. As with Section I, letters are reproduced — but these were written by the MFAA men or their families in the U. S. Among the revelations is that on March 14, 1944, James Rorimer, who later became Direc-

[3] William L. Shirer, *The Rise and Fall of the Third Reich* (New York: Simon and Schuster, 1960).

tor of the Metropolitan Museum, first met in person the indomitable Frenchwoman, Rose Valland (pp. 134–5). Trained as an art historian and conservator at the outbreak of WWII, Valland was nominated to work as an assistant to the Director of the French National Museums.[4] When the Nazis occupied Paris in 1940, she was ordered by the Einsatzstab Reichsleiter Rosenberg (ERR) to work at the Jeu de Paume, where she secretly compiled lists of the Nazi-looted objects in France (pp. 177–89, 193–206). When she met with Rorimer, she showed him photographs, lists, receipts, and most important, a stack of evidence that revealed the location in Germany where the looted art works were taken (pp. 248-9).

Section IV, "The Void," and Section V, "The Aftermath," discuss, among other things, the artworks hidden by the Germans in mines in Heilbronn, Merkers and other repositories. The book concludes with a Cast of Characters, including both Allied and Axis personalities.

I will relate only one more favorite chapter, which is better than any WWII thriller I have read. In March 1945, American Captain Robert Posey, an architect in civilian life, had a really bad toothache. He and another MFAA man, Private Lincoln Kirstein, who, in civilian life, later co-founded what became the New York City Ballet, were directed by a young boy to a local dentist (p. 263). This sounds utterly mundane until we learn that the two were introduced to the dentist's son-in-law, who turned out to be an art historian who served Hitler's army as an SS officer in Paris. The story is related slowly, and in a flash we learn that the son-in-law is the first person to tell them of the vast store of looted art at the Altaussee mine in Austria and that he is Dr. Hermann Bunjes, one of Hitler's famous art historian collaborators. Bunjes was later arrested by the Allied forces and imprisoned in Trier (p. 345). He hanged himself in his cell on July 25, 1945 (p. 404).

This story, and Rorimer's above, are but two of the tempting histories in this book. In every chapter there are gems of previously unpublished personal documents. It is not the reviewer's task to take people through every chapter — I leave this to the fortunate readers of this extraordinary book.

[4] For more information about Valland, see La dame du Jeu de Paume. Rose Valland sur le front de l'art, An exhibition at the Centre d'Histoire de la Résistance et de la Déportation, Lyons, Dec. 3, 2009 – May 2, 2010, Press Information Office Brochure.

BEYOND THE DREAMS OF AVARICE

The Introduction to Nancy Yeide's *magnum opus* on Reichsmarschall Hermann Goering's art collection is most appropriately written by Robert M. Edsel, whose recent book is reviewed above, and whose foundation provided the funding that made Yeide's publication possible. Yeide's goal in this expansive and important work is to recreate the enormous collection of Goering, the second highest ranking Nazi and art lover extraordinaire, based on an analysis of provenance information drawn from a wide variety of secondary sources. Edsel accepted the invitation to write the Introduction as an unanticipated, but fortuitous, opportunity to recognize the role of the Monuments Fine Arts and Archives Men (MFAA), who were instrumental in locating this collection of largely looted works, hidden in various Goering residences throughout Germany.

Yeide's Preface comes with a sobering warning: archival records may be incomplete or inaccurate and must be examined critically. An excellent example is provided by the documents entitled "Preliminary Survey of Papers Dealing with the Art Collection of Hermann Goering," written by James Rorimer on June 4, 1945. These included worksheets for paintings in Goering's collection, as well as photographic files, lists, indices and correspondence. Unfortunately, the documents have been dispersed due to the multiple relocations of the Central Collecting Point set up by the MFAA. As Yeide says (p. 21), the documents Rorimer cited *may* exist, but she discovered only a few of them.

Although this book is organized as a Catalogue Raisonné, it should rather be seen as a Catalogue Déraisonnable — it is, after all, the catalogue of the thousands of paintings "acquired" by Nazi Officer, and Second in Command, Hermann Goering. A Catalogue Raisonné is a complete catalogue — or documentation — of an artist's entire body of work or work in a particular medium. Ms. Yeide's catalogue, on the other hand, is a "collector's" catalogue, including biography and history, of one of the world's most famous Nazi thieves. Through Yeide's research, we actually have a catalogue of one of the greatest thefts in history. Her primary goal, however, is not to provide a biography, or a military history, but rather to provide detailed provenances of the works in the Goering Collection and "a context for the transactions and important individuals mentioned in the provenances. . . " (p. vi).

An expansive account of "The Rise and Fall of the Goering Collection" is Yeide's introduction to the man who was driven to amass this incredible collection. Among her interesting revelations about Goering's youth is the account of how Goering's financially strapped family was taken in by a close family friend who happened to be an Austrian Jew — Hermann von Epenstein. Epenstein became godfather to Goering and all four of his siblings.

Goering's career as an art collector was born in the early 1930's, although nothing of consequence was acquired. The famous Carinhall, his palatial country estate outside Berlin named after his deceased first wife, was transformed into a "royal palace" from its original status as a modest hunting lodge. It became, as Nancy Yeide calls it, "Almost too perfect a Freudian's symbol of Goering's excessive behavior." Her description of the display of the looted art in the main mansion at Carinhall reads more like the description of a thrift shop: " . . . the pictures were hung two and three deep, clustered almost haphazardly . . . without much apparent attention to period or style. The overall effect [was] one of excess, a desire to show off as much as possible" (p. 15).

Yeide's stated intent in publishing this groundbreaking and expertly accomplished catalogue was to provide the "first opportunity in 60 years to look at the Goering Collection as a whole. " It would, she predicted, result in the clarification of provenances of the paintings contained in the collection and bring to light pictures whose histories and whereabouts have been hidden too long.

The catalogue of the "Gallery of Paintings" itself is extensive and divided into three sections: A) works known to be in Goering's collection; B) paintings *likely* to have been in Goering's collection; C) paintings possibly in Goering's collection, but where there is insufficient archival evidence to be certain.

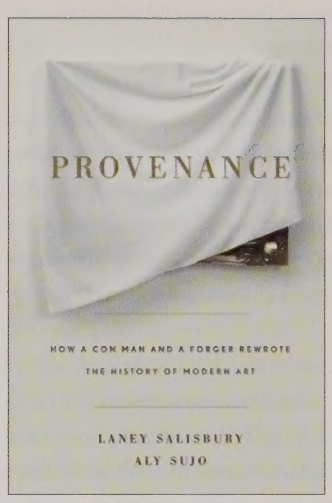
Yeide's publication is lavishly illustrated, albeit in black and white, and includes every work in the three categories just noted, hundreds of illustrations in all. Thus, unlike *The Monument's Men*, Yeide's book has more illustrations than historical text. But the pictures really are, in addition to the brief text, "the whole story" — a documentation of those works acquired through "purchase," by trading for other artworks, by forced sale, or otherwise.

The book contains several indices. The numerous illustrations are identified by Reichsmarschall catalogue number. A well-documented provenance section follows the illustrations, with the descriptions cross-referenced to the illustrations. There is a concordance of numbers in Yeide's catalogue with those assigned by the Munich Collecting Point and another concordance to the inventory numbers of the Jacques Goudstikker Collection. There is also an index of artists' names and an index of names in the provenances of works from collections other than Goudstikker.

My only criticism of this exceptional book is that the separation of the images from the full provenance information makes it somewhat difficult to navigate. Despite this minor criticism, this *magnum opus* will prove invaluable to provenance researchers and any others seeking knowledge of the provenance of artworks still lost from World War II.

FORGERY BY DESIGN: PAINTERS AND "EXPERTS"

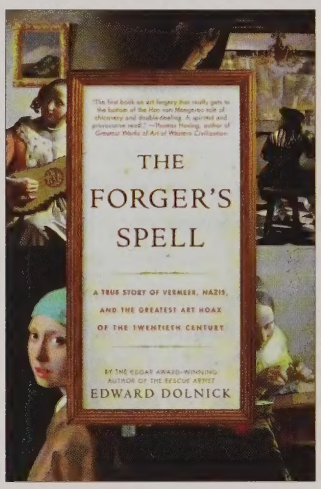
FRANKLIN FELDMAN*



Provenance: How a Con Man and a Forger Rewrote the History of Modern Art

LANEY SALISBURY AND ALY SUJO

Penguin Press, New York, 2009.
Hard cover: 325 pp.; List Price: $26.95
ISBN 978-1-59420-220-9



The Forger's Spell: A True Story of Vermeer, Nazis, and the Greatest Art Hoax of the Twentieth Century

EDWARD DOLNICK

Harper Perennial, New York, 2008.
Hard cover: 368 pp.; List Price: $26.99
ISBN 10: 0060825413

Two recent books relate fascinating tales of art forgery schemes that were compounded by the mistakes of "art experts" who opined about the authenticity of the forged works that were produced.

The books are *Provenance*, by the husband-and-wife team of Laney Salisbury and Aly Sujo (Sujo has since died), and *The Forger's Spell*, by Edward Dolnick. Dolnick, a former chief science writer for the *Boston Globe*, is familiar with other examples of art crime. He previously authored *The Rescue Artist* (Harper Collins, 2005), which related the hunt for Edvard Munch's *Scream*, which had been stolen from the National Gallery in Oslo in 1994.

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* Franklin Feldman is a retired partner at Stroock & Stroock & Lavan; co-author of *Art Law* (Little, Brown and Company, 1986); and Chair of IFAR's Law Advisory Council.

***Provenance* spins the yarn of the brilliant** British con-man and scam artist, John Drewe, who was able to recruit a painter of considerable but unrecognized talent, John Myatt, to create paintings that could be passed off as works by artists such as Picasso, Chagall, Dubuffet, de Staël, Nicholson, Braque, Giacometti, Le Corbusier, and others with major reputations. Drewe recognized that it was not only the work itself, but the provenance and documentation of the work that would give it substantial commercial value. With such insight, Drewe embarked on a program to create and modify bills of sale, identification numbers on frames, and old art catalogues. He also forged certificates of authenticity and documents of prior ownership to persuade curators, critics, museum administrators, and potential collectors that the works were authentic. And he succeeded on a grand scale! Among the organizations that he fooled over a ten-year period, from 1986 to 1995, when the scheme unraveled and charges were brought against him and Myatt, were the auction houses Sotheby's and Christie's and the Tate and the Victoria and Albert museums.

To "age" the paintings, Myatt used mud and vacuum dust and other garden variety products, such as KY Jelly. Glenn Lowry, the Director of the Museum of Modern Art in New York, is reported to have said that the joint enterprise of Drewe and Myatt was one of the most extensive frauds in the history of the visual arts. It is estimated that of the approximately two hundred works that Drewe sold, which were painted by Myatt, more than half have not been recovered. In an almost amusing aside, Myatt's talent was so skillful that the Scotland Yard detective who arrested him and testified against him at trial asked Myatt to paint a portrait of his family.[1]

The *Forger's Spell* relates the now well-known story of the Dutch artist Han van Meegeren and his exploits in forging Vermeers (and other artists such as Frans Hals), fooling Nazi Reichsmarschall Hermann Goering, other Nazis, and also German and Dutch curators and art experts. Among the experts with impeccable credentials who were fooled were Abraham Bredius and Willem Martin, both directors of the Mauritshuis Museum in the Hague; Wilhelm von Bode, director of the Kaiser Friedrich Museum in Berlin; Max Friedländer, the renowned art historian and director of the Kaiser Friedrich Museum; and probably also Wilhelm Valentiner, who for twenty years was the editor *of Art in America.*[2]

The uniform impression that surfaces from all of this expert opinion is that smugness, arrogance, hubris, and ignorance — expressing opinions such as "without any doubt," "a very beautiful Vermeer," or "every inch a Vermeer" — permeated the atmosphere and impeded any effort to find the truth. This hubris may mask a shockingly large amount of falsely documented fakes that adorn the walls of many museums and homes of collectors.[3]

The strength of the opinions which were expressed had no regard for the possibility, let alone the probability, that they were wrong. In the area of expert opinion relating to a work of art, it should seem clear that certainty of opinion in every case is not probable. In other areas of endeavor, some form of probability insures a favorable decision. For example, in the area of stock investing, the probability of a stock increasing or declining in a finite period is not precisely known. What is known, however, is that at the end of the finite period, the stock will have increased or decreased, one way or the other. Thus, in the stock options market, one may sell a straddle — that is, the right to one person who bets that the stock will rise, and to another, that it will decline at the end of a finite period. It is

1 After serving a prison term (a one-year sentence, reduced to four months for good behavior), Myatt started painting fakes under his own name, receiving approximately $5,000 per painting. In 2005, an exhibition of his works at a London art gallery reportedly sold out for prices from $1,000 - $10,000. Myatt is also the "presenter" on a Sky Arts Channel television series about painting.

2 I say "probably" because Dolnick states that the Vermeer on which Valentiner opined may have been forged by a colleague of van Mergereen, either alone or in collaboration with van Meegeren.

3 Thomas Hoving is reported to have said that during his tenure as Director at the Metropolitan Museum of Art a full 40% of the artworks considered for purchase by the museum were phony or over restored, and some experts say that as many as 60% of the Giacomettis on the market are fake. See Peter Landsman, "A 20th Century Master Scam," *The New York Times,* July 18, 1999.

certain that one of the buying parties will be right, and the other wrong. In the stories related in these books, the experts had apparently no tolerance for the possibility or probability that they could be wrong.

"The uniform impression that surfaces from all of this expert opinion is that smugness, arrogance hubris, and ignorance . . . permeated the atmosphere and impeded any effort to find the truth."

Both ***Provenance*** **and** ***Forger's Spell*** are written by journalists. They are well-structured, fast-paced, and capture the reader's attention from the start. Both are gracefully written with an ear for titillation and surprise. In short, they are very good non-fiction detective stories about art and skullduggery.

There is, however, one major difference in the underlying sagas. In *The Forger's Spell*, the fakes were created by one man, a painter — van Meegeren. In *Provenance*, it took two persons, the artist Myatt, and most significantly, Drewe, who went to inordinate lengths to create the documents and falsify the provenances. This was in itself a work of art! It involved entering and penetrating carefully guarded archives and doctoring the records. To this reader, Drewe was not only a first-class scam artist, but was wiser, smarter, and more diligent than the "art experts" he fooled. If one has any residue of regard for a scam artist, it should be reserved for Drewe. This is a man who appeared not to harbor a lazy bone in his body and did his homework thoroughly. In the very least, Drewe established one key point: that provenance, perhaps more than the painting itself, may well determine an expert's opinion as to authenticity. The existence of a false (positive) provenance, reduced the probability that the positive opinion about the work was wrong. The expert could now count on both the painting itself and the documentation to support his opinion.

The dispute discussed in these two books should be distinguished from the dispute recently reported in the *IFAR Journal*, "Dispute Against the Warhol Authentication Board Allowed to Proceed," by Sharon Flescher and Mary Morabito Rosewater (Vol. 11, no. 1, 2009). There, the issue raises the fundamental question of whether a work is "authentic" if the artist (Warhol) did not personally perform every step in completing the printing of a silkscreen image, even though he apparently acknowledged the work to be his. This is particularly significant in the case of multiples, such as prints and even ceramics, where the artist has collaborated with others in producing the final image. This issue, when — and if — finally determined in litigation, may have ramifications well beyond the Warhol case. If it is determined that the prints in the Warhol suit are not authentic because Warhol was not present during the final printing of the images, or did not authorize them, as the Warhol Authentication Board asserts, what effect will this have on the work of other artist-printmakers who have collaborated with a master printer and may not have been present when the final printing was done? [4]

The issue of authenticity continues unabated. A recent issue of *ARTnews* (January 2010, "The Real Thing") relates the story of the da Vinci drawing known as *La Bella Principessa*, which was sold at Christie's in 1998 as a drawing of the 19th Century "German School" for $21,850, was resold in 2007 for $19,000 to a Canadian collector who indicated that he bought it for a Swiss collector, and is now believed by some "experts" to be by da Vinci with a value of approximately $150 million. With equal confidence, others think otherwise. A "fingerprint" on the drawing thought to be that of da Vinci may be determined to be the bit of "provenance" that tilts the answer.

Will some of Leonardo experts be wrong? Probably.

[4] Aldo Crommelynck, the master printer, not only printed all of Picasso's etchings after 1961, but also printed for others, including Braque, Matisse, Jasper Johns, Chuck Close, and Jim Dine. For Dine's 2007 one-man show at the Bibliothèque Nationale in Paris, he titled the show "Aldo et Moi." Picasso's lithographs were printed by Fernand Mourlot and his linocuts by a Vallauris printer, named Arnéa. In his ceramics, he collaborated with Suzanne and Georges Ramié.

And disputes about Leonardo go on. The *New York Times* on January 11, 2010 ran a front-page article about the painting known as *La Belle Ferronière,* which was about to come up at auction, but which was once the subject of litigation, *Hahn v. Duveen.* In 1929, the famous art dealer, Joseph Duveen, expressed an opinion about the painting, which he had not seen in person, and which the owners said was a Leonardo. It was a fake, he asserted, as the "real" Leonardo was in the Louvre. After a long trial resulting in a hung jury, Duveen settled the case. Now, Scott J. Schaefer, curator of paintings at the Getty, when learning about the pigments used in the painting, is quoted as having said that he had "to rethink things" regarding the dating of the painting and that "it's still a conundrum." Nonetheless, no known specialists, including Schaefer, currently believe that the painting is by da Vinci.

This issue is close to home. Providing opinions as to the authenticity of a work of art is the life blood of IFAR. Has IFAR ever been wrong? Possibly. It would be hubris to suggest otherwise. But, in the forty years that IFAR has been rendering opinions, no one has demonstrated that one of its opinions has been wrong. That is probably a good record.

And so these disputes will undoubtedly continue, probably.

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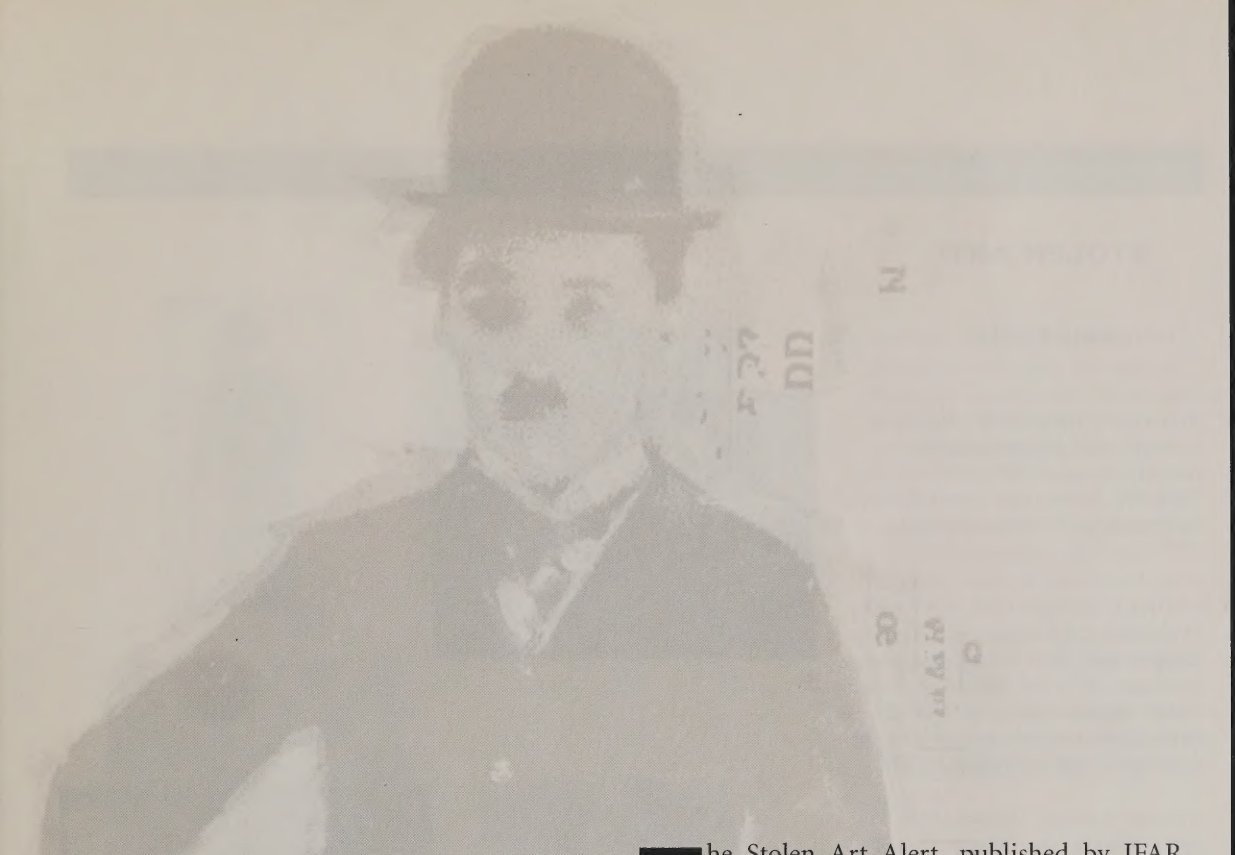


The Stolen Art Alert, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

STOLEN ART*

PAINTINGS

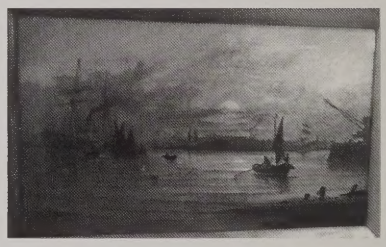
59 ROSALYN DREXLER (American, b. 1926). ***Men and Machines #2.*** Acrylic on canvas. 40" x 50". *N08.402. Stolen from an exhibition in Brooklyn, NY on November 1, 1975.

59

60 SYDNEY RANDOLPH MAURER (American, contemporary). ***Charlie Chaplin Full,*** 2009. Mixed media on foamcore. 30" x 20". Signed l/r. Verso: Titled, signed, and dated. *N09.452. Stolen from a private residence in Los Angeles, CA on September 18, 2009.

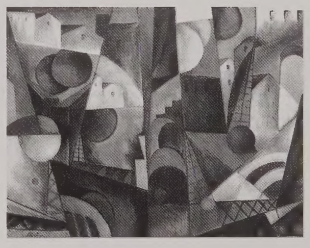
60

61 EDGAR DEGAS (French, 1834-1917). ***The Chorus,*** 1876-77. See color photo on inside back cover.



63

62 ALBERT GLEIZES (French, 1881-1953). ***Untitled (Cubist Landscape),*** 1914. Oil on canvas. 73 x 90 cm. Signed l/l. Stolen along with 9 other paintings and works on paper while in transit in Miami, FL on December 2, 2009.



62

63 GEORGE CALLOW (English, 19th century). ***Seascape.*** Oil on canvas. 12" x 16". Signed. l/l. *L10.038. Stolen from a private residence in Ramsey, England on January 1, 2010.

64 LAWRENCE COULSON (English, contemporary). ***Sunshine and Rain Clouds,*** 2003. Miniature. Oil on board. 15 x 25 cm. Verso: possibly has sticker with the title and "Halcyon Gallery." *L10.030. Reported missing from a private residence on December 22, 2009.

64

65

65 H. CLAUDE PISSARRO (French, b. 1935). ***L'avenue Melior à Rennes.*** Oil on canvas. 18.25" x 21.80". Signed l/r. Verso: titled and signed. *N09.459. Stolen from a private residence in Florida on October 23, 2009.

**Numbering for the year 2009/2010 Cumulative Index of Stolen Art began with Vol. 11, no. 1.*

66

66 WILHELM KLEINENBROICH (German, 1814-1895). ***Recruits in Front of a Tavern,*** 1843. Oil on canvas. 78 x 97 cm. *L10.027. Stolen from a private residence in Germany on September 18, 2009.

67 GERHARD RICHTER (German, b. 1932). ***Green blue red,*** 1993. See color photo on inside back cover.

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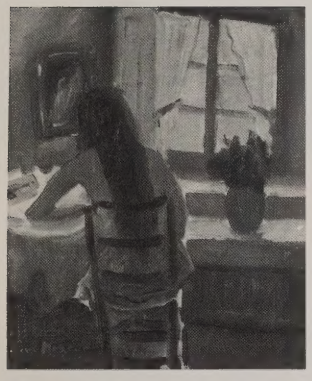
*The following paintings were stolen from a private residence in Bruton, England during a violent robbery on March 20, 2009. *L09.230:*



68

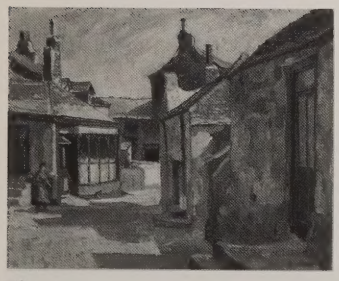
69

68 PAUL LUCIEN MAZE (French, 1887-1979). ***Woman Sitting at a Window,*** 1920. Oil on canvas. 10" x 8". Signed and dated l/l.

69 GEORGE CLAUSEN (English, 1852-1944). ***Apple Blossom,*** 1899. Oil on canvas. 22 ¼" x 16". Signed and dated l/r. Verso: Titled, signed, and dated.

70 JOHN ANTHONY PARK (English, 1880-1962). ***St. Ives.*** Oil on panel. 13" x 16". Signed l/r.

71 GEORGE FREDERICK WATTS (English, 1817-1904). ***Endymion,*** 1872. Oil on canvas. 52 x 65 cm.



70

71

The following two paintings by LEYLY MATINE-DAFTARY *(Iranian, 1937-2007) were stolen during a raid on the artist's atelier in January 1980 during the early days of the Islamic Revolution. *L09.675:*

72 ***Untitled (House)***, 1967. Oil on canvas. 70 x 120 cm. Signed and dated center right.

73 ***Untitled (Young Girl)***, 1966. Oil on canvas. 120 x 70 cm. Signed and dated l/r.

---

*The following paintings were stolen from a private residence in London, England on April 1, 2009. *L09.697:*

74 SARAH COGHILL (English, b. 1948). ***Hat and Ochre Dress Painting.*** Oil on canvas. 36"x 30".

75 RONALD SMITH (English, 20th century). ***Painting.*** Oil on board. 18" x 22".

The following paintings by JOHAN ANTONIE DE JONGE *(Dutch, 1864-1927) were stolen from a private residence in Rotterdam, The Netherlands. *L09.656:*

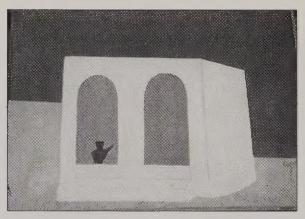
76 ***Boats on the Beach.*** Oil. 38 x 30 cm.

77 ***Mother with Girl on the Beach.*** Oil on canvas. 24 x 29 cm.

---

*The following paintings were stolen in Gironde, France on October 7, 2009. *L09.699:*

78 FRANÇOIS HUBERT DROVAIS (French, 1727-1775). ***Madame Victoire.*** Oil on canvas. 75 x 58 cm.



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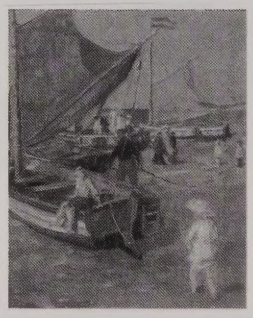

76

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78

80

79 NICOLAS DE LA LARGILLIÈRE (French, 1656-1746). ***Father of Voltaire.*** See color photo on inside back cover.

80 NICOLAS DE LA LARGILLIÈRE (French, 1656-1746). ***Mother of Voltaire.*** Oil on canvas. 83 x 67 cm.

81

The following two paintings by BEN CABRERA *(Filipino, b. 1942) were lost in transit between Los Angeles and Singapore on February 17, 2010. *N10.42:*

81 ***Three Women***, 2009. Acrylic on canvas. 29 ½" x 40". Signed l/r.

82

82 ***Twins,*** 2008. Acrylic on canvas. 48" x 48". Signed l/r.

WORKS ON PAPER

83

83 HENRI LEBASQUE (French, 1865-1937). ***View of the Bay of St. Tropez.*** Watercolor. 13 x 25 cm. Signed l/r. Verso: possibly a Waterhouse and Dodd label. *L09.712. Stolen from a gallery in Shrewsbury, England on November 9, 2009.

84

84 GINO SEVERINI (Italian, 1883-1966). ***Tango Argentino,*** 1913. Ink on paper. 54 x 37 cm. Signed l/r. *L09.756. Interpol no. 2009/43290-1.2. Stolen from a shopping mall in Cannes, France on December 6, 2009.

PRINTS, LITHOS

85

85 EDVARD MUNCH (Norwegian, 1863-1944). ***The Separation II,*** 1896. Lithograph on paper. 41 x 63 cm. Signed in pencil l/r: "E. Munch." *L09.610. Discovered missing from a gallery in Oslo, Norway on June 25, 2009.

SCULPTURE

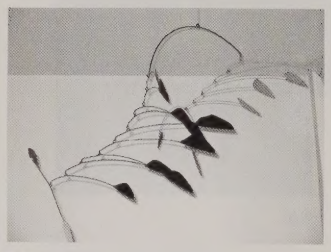
86 ALEXANDER CALDER (American, 1898-1976). ***Black.grey/red/white.*** Mobile. Wire and metal. *N09.494. Stolen from a private residence in New York on June 23, 2009.

87 ALBERTO GIACOMETTI (Swiss, 1901-1966). ***Man in a Square,*** 1949. Bronze. H: 19.10 cm. *L09.756. Interpol no. 2009/43290-1.1. Stolen from a shopping mall in Cannes, France on December 6, 2009.

88 TOM GREENSHIELDS (English, 1915-1994). ***Dancer Stretching.*** Bronze. 14" x 9". *L09.697. Stolen from a private residence in London, England on April 1, 2009. See also item nos. 74 and 75 above.

89 CÉSAR BALDACCINI (French, 1921-1998). ***Bird,*** c. 1970. See color photo on inside back cover.

90 BARRY FLANAGAN (Welsh, 1941-2009). ***Pipe Cleaner Hare on Clay Form,*** 1998. Bronze. H: 39.4(?) cm. W: 36.2 cm. *L10.024. Stolen from a gallery in Brussels, Belgium on January 6, 2010.



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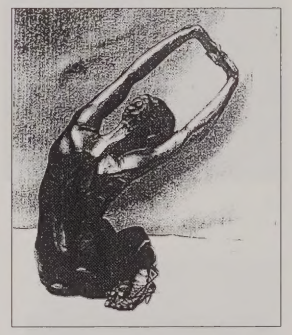

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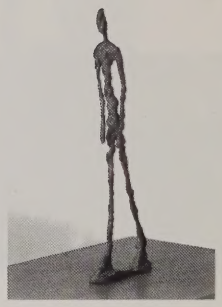

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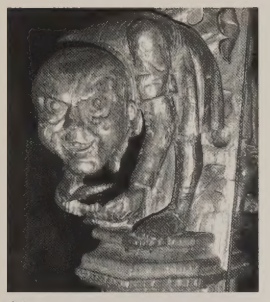

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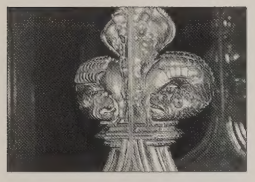

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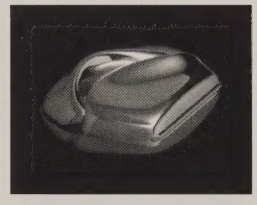

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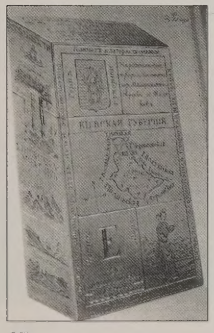


97

98

*The following wood carvings were stolen sometime between August and September 2009 from Winchester Cathedral in Winchester, England. *L09.739-*L09.740:*

91 ***The Happy Beggar*** (English), c. 1890. H: 10 cm. W: 6 cm. D: 7 cm.

92 ***A Bishop's Head*** (English), c.1895. H: 7 cm. W: 4.5 cm. D: 4 cm.

93 ***Dragon,*** c.1895. H: 12 cm. W: 10 cm. D: 7 cm.

94 ***Bishop,*** c.1895. H: 12 cm. W: 9 cm. D: 7 cm.

95 ***Fruit buds and leaves*** (English, 17th century). H: 1.5 cm. W: 5 cm. D: 7 cm.

DECORATIVE ARTS

Gold

96 ASYMPTOTE (American, contemporary). ***Mnemos 01,*** pill box. Gold (18 ct.). 7 x 5 x 3 cm. Atelier mark on inside edge. *L10.028. Stolen from a gallery in London on January 11, 2010.

Silver

*The following two items were stolen from a New York gallery on November 1, 2009. *N09.468:*

97 GRACHEV (Russian, 20th century). ***Card case.*** Silver. H: 3 ¾".

98 FEODOR RUCKET for Fabergé (Russian, 20th century). ***Card frame.*** Silver and enamel. Diam: 2 ½".

MISSING ART*

WORKS ON PAPER

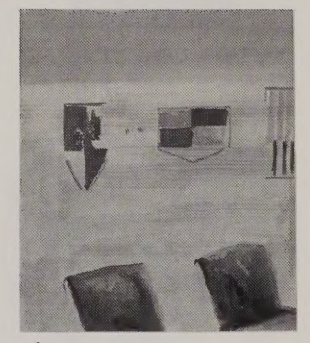
The following three works by UWE WITTWER *(Swiss, b. 1954) were reported missing in Brooklyn, NY on September 8, 2009. *N09.449:*

35 ***House,*** 2003. Watercolor. 41 x 35 cm.

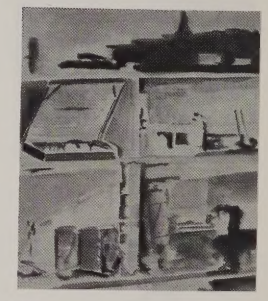
36 ***Interior,*** 2003. Watercolor. 41 x 35 cm.

37 ***Interior, Camp,*** 2005. Watercolor. 40.5 x 34 cm.

35



36

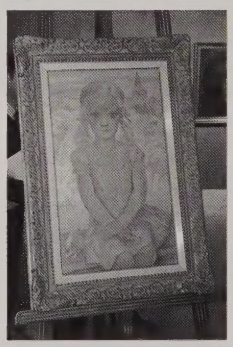


37

RECOVERED ART*

PAINTINGS

34 ANTO CARTE (Belgian, 1886-1954). ***Jeune fille à la robe bleue,*** 1932. Oil on canvas, 72 x 42 cm. *W00.50. This was one of five paintings left in a Brussels, Belgium apartment by Jewish refugees during WWII. It was looted in 1944 and recovered in December 2009 with the help of the Art Loss Register.

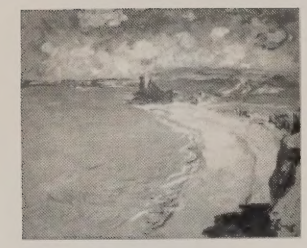


34

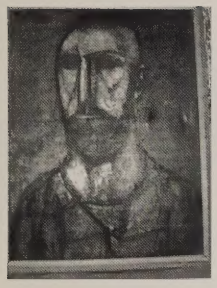
35 ALBERT-CHARLES LEBOURG (French, 1848-1928). ***Ornans,*** 1899. Oil on canvas. 48 x 65 cm. Titled, signed, and dated l/r. *N06.169. *R1151. Interpol no. 2006/42300-1.1. Stolen from a private residence in Los Angeles, CA on August 23, 2006. Recovered with the help of the Art Loss Register in September 2009.

35

**Numbering for the year 2009/2010 Cumulative Index of Missing Art and Recovered Art began with Vol. 11, no. 1.*



36



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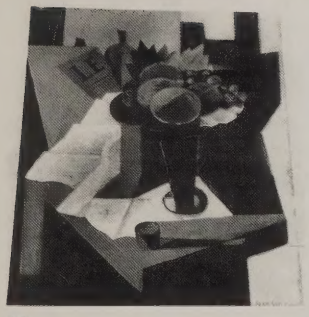
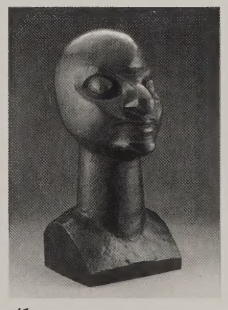


39



41

RECOVERED ART

36 CLAUDE MONET (French, 1840-1926). ***Pourville Beach,*** 1882. Oil on canvas. 60 x 73 cm. Signed l/r. Wildenstein Monet catalogue raisonné, II, p. 300, no. 807. *L00.1665. Interpol no. 2000/44594. Stolen from the Narodowe Museum in Poznan, Poland on September 17, 2000 and replaced with a fake. Recovered by police in Olkusz, Poland in January 2010.

37 AKBAR PADAMSEE (Indian, b. 1928). ***Portrait of a Man.*** Oil on canvas. 46 x 61 cm. *L98.950. *R1085. Stolen from a gallery in London, England on February 12, 1995. Recovered in December 2009.

38 GIUSEPPE DE NITTIS (Italian, 1846-1884). ***Journey Through the Appennines,*** 1867. Oil on canvas. 65 x 97 cm. *C05.086. Stolen in transit between Rome and Naples on June 24, 2005. Recovered by the Carabinieri in February 2010.

39 JUAN GRIS (Spanish, 1887-1927). ***Untitled,*** 1926. Oil on canvas. 26" x 19 ½". *N04.132. Stolen from a private residence in St. Louis, MO in 2004. Recovered by the FBI in Jupiter, FL on March 11, 2010.

40 PAUL KLEE (Swiss, 1879-1940). ***Portrait in the Garden,*** 1930. See color photo on inside back cover.

SCULPTURE

41 RAYMOND DUCHAMP-VILLON (French, 1876-1918). ***Maggy.*** Bronze with a black patina. H: 72.7 cm. W: 34.4 cm. Ed no. 8/8. *N82.033. *R1102. Interpol no. 1997/574-1.1. Stolen from Southern Illinois University in Carbondale, IL on December 31, 1981. Recovered in October 2009.

42 HENRY MOORE (English, 1998-1986). *Three-Quarter Figure,* 1980. Bronze. H: 21.60 cm. *N84.164. *R1146. Stolen from a New York gallery on December 30, 1983. Recovered with the help of the Art Loss Register in September 2009.

43 HENRY MOORE (English, 1998-1986). *3 Piece Reclining Figure: Maquette No. 4,* c.1975. Bronze. 7 1/8" x 3" x 3". Signed and numbered: Moore 2/9. Edition 2/9. *N01.237. Stolen from the James Goodman Gallery in New York on November 2, 2001. Recovered in March 2010 with the help of the ALR.

42

43

ADVERTISEMENT

STOLEN in Washington, DC in 2006

Poiray gold necklace in "canon de fusil" with 25 "navettes" diamonds "D Flawless" set in 18 carat gold (matching earrings not shown). The diamonds were originally from Harry Winston, cut in 1970.

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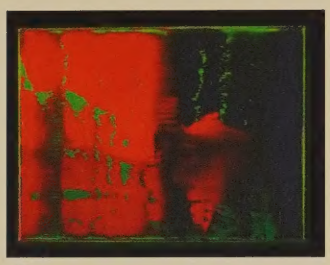
61



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STOLEN ART

61 **EDGAR DEGAS** (French, 1834-1917). *The Chorus,* 1876-77. Monotype pastel. 27 x 32 cm. Signed l/l. *L10.003. Stolen from the Cantini Museum, Marseille, France on December 30/31, 2009. Interpol no. 2010/122-1.1

67 **GERHARD RICHTER** (German, b. 1932). *Green blue red,* 1993. Oil on canvas. 34.5 x 37.5 cm. *L10.024. Stolen from a gallery in Brussels, Belgium on January 6, 2010.

79 **NICOLAS DE LARGILLIÈRE** (French, 1656-1746). *Father of Voltaire.* Oil on canvas. 83 x 67 cm. See also item nos. 78 and 80.

89 **CÉSAR BALDACCINI** (French, 1921-1998). *Bird,* c. 1970. Bronze. Blue and black. H" 9.5". W: 15". Approx. wt: 20 lbs. *N09.464. Stolen from a gallery in Santa Monica, CA on October 18, 2009.

RECOVERED ART

40 **PAUL KLEE** (Swiss, 1879-1940). *Portrait in the Garden,* 1930. Gouache thickened with plaster on paper. 33.0 x 24.0 cm. Signed u/l. *89.88.3. Stolen from the Marlborough Gallery in New York on July 1, 1988. Recovered in March 2010 with the help of the ALR.

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